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TITLE 5—ADMINISTRATIVE PERSONNEL

Chapter I—Civil Service Commission

PART 20—RETENTION PREFERENCE REGULATIONS FOR USE IN REDUCTIONS IN FORCE

Effective as to any reductions in force in which notices are issued on or after February 15, 1953, or within any agency at such prior date as may be determined by the head of the agency. Part 20 is revised and amended to read as follows:

- Sec.
- 20.1 Extent of part.
 - 20.2 Definitions.
 - 20.3 Completion of employee records.
 - 20.4 Order of selection.
 - 20.5 Actions.
 - 20.6 Notice to employees.
 - 20.7 Reappointment priority.
 - 20.8 Special regulations relating to consolidations and liquidations.
 - 20.9 Appeals.

AUTHORITY: §§ 20.1 to 20.9 Issued under sec. 11, 19, 58 Stat. 390, 391; 5 U. S. C. 860, 868. Interpret or apply sec. 12, 58 Stat. 390; 5 U. S. C. 861. Other statutory provisions interpreted or applied are cited to text in parentheses.

§ 20.1 *Extent of part.* The regulations in this part establish degrees of retention preference and uniform rules for reductions in force. They apply to all civilian employees in the executive branch of the Federal Government, and in the municipal government of the District of Columbia, except those whose appointments are required to be approved by the Senate, and those who are appointed by the President of the United States.

(Sec. 20, 58 Stat. 391; 5 U. S. C. 869)

§ 20.2 *Definitions.* For the purposes of the regulations in this part definitions are given for words, terms and phrases as follows:

(a) "Reduction in force" means the involuntary separation of an employee from a duty and pay status for more than 30 days, by furlough or by separation from the rolls, in order to reduce personnel. The term does not apply to termination of temporary appointments, retirement of employees, or separations for cause and other actions proposed for reasons which promote the efficiency of the service.

(b) "Furlough" in a reduction in force means retention on the rolls on leave without pay pending recall to duty.

(c) "Competing employees" for any position in a reduction in force means the position incumbent, if any, and employees who are qualified for the position.

(d) "Qualified" for a position means having the basic education and experience, and such special skills and aptitudes as are necessary, to take over the position in a reduction in force and render satisfactory service without undue interruption to the work program.

(e) "Competitive area" means that part of an agency, usually within a local commuting area, in which employees are shifted, transferred, reassigned, promoted and demoted under single administrative authority, and within which competitive levels are established in reductions in force. (It does not establish a limitation for placement during reductions in force.)

(f) "Competitive level" means all similar positions within a competitive area in which employees could be readily interchanged, without undue interruption to the work program. (Generally such positions will be in the same grade or occupational level, but this is not necessary if the other tests are met.)

(g) "Retention standing" means precise rank among competing employees for a continuing position, by retention group and subgroup, and by retention credits within each subgroup.

(h) "Retention credits" are credits given for length of government service and performance ratings.

(i) "Government service" means the total of all periods of civilian service in the executive, legislative and judicial branches of the Federal Government and in the District of Columbia Government, and of all active military service.

(j) "Performance rating" means the current official performance rating under a performance rating plan which has been approved by the Civil Service Commission.

(k) "Continuing position" in a reduction in force is a position which is expected to continue for at least three months after the effective date of the separation, furlough, or reduction in grade or salary of an employee qualified for such position.

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(1) "Effective date" is the date an employee is separated, reduced in grade or pay, or furloughed, as the result of actions under the regulations in this part.

§ 20.3 *Completion of employee records.* (a) Each agency is responsible for maintaining current records of information necessary to determining relative retention preference of employees.

(b) If such records are incomplete, they may be supplemented by written statements from employees, each supported by a signed certificate that the information it contains is true, correct and complete according to the employee's knowledge and belief.

§ 20.4 *Order of selection.*—(a) *Determination of competitive area.* (1) An agency may establish a general plan of competitive areas by obtaining prior approval from the Central Office of the Civil Service Commission. Subsequent clearance with the Commission will not be required concerning competitive areas conforming to the approved general plan unless there has been a material change in the agency's organizational structure or other facts on which the general plan was approved.

(2) In the absence of an approved general plan the normal competitive area shall be a bureau or equivalent part of an agency in the departmental service, or all of a field installation in a local commuting area, or any combination of these as may be determined by the agency.

(b) *Determination of competitive level.* Within the competitive area the agency will determine competitive levels of positions to be affected by a reduction in force.

(c) *Determination of tenure groups.* For the purpose of determining relative retention preference in reductions in force, competing employees with performance ratings of "Satisfactory" or better shall be classified according to tenure of employment and veteran preference in groups and subgroups as follows:

(1) *Group I—Career.* In the competitive service, this group consists of career employees who have completed probation and who are not "temporary" or "indefinite" as the result of promotion, transfer or reinstatement, except that

career employees serving under conditional promotions shall be considered in this group with respect to positions at and below the grade in which they last served on a permanent basis. In positions excepted from the competitive service, this group includes all employees serving under appointments with no conditions or restrictions. Within this group, persons entitled to veteran preference are in subgroup "A" and others in subgroup "B".

(2) *Group II—Career-Conditional.* In the competitive service, this group includes career employees who are conditional because they are serving probationary periods, or are "temporary" or "indefinite" as the result of promotion, transfer or reinstatement, or are subject to some other limitation of a similar nature. In positions excepted from the competitive service, it includes employees who are conditional solely as the result of promotion or reinstatement. Within this group, persons entitled to veteran preference are in subgroup "A" and others in subgroup "B".

(3) *Group III—Indefinite.* This group includes persons serving under non-status non-temporary appointments in positions in the competitive service. It also includes employees in positions excepted from the competitive service serving under any condition or limitation other than a conditional promotion or reinstatement or a specific time limitation of one year or less. Within this group, persons entitled to veteran preference are in subgroup "A" and others in subgroup "B".

(d) *Retention register.*—(1) *Compilation.* When two or more competing employees are in a competitive level which is to be affected by a reduction in force, the retention records of such employees shall be brought up to date on a current basis, and a retention register shall be compiled. All employees in positions in the particular competitive level, whether in duty, leave, or furlough status, excluding only those absent in the armed forces of the United States with reemployment rights, shall be entered on the register in the order of retention groups and subgroups, and according to retention credits in any subgroup when there are two or more. One retention credit shall be given for each full year of Federal Government service, and four retention credits shall be given for an "Outstanding" performance rating. If there are any temporary employees assigned to positions in the competitive level, their names and the expiration dates of their appointments shall be entered below the space provided for employees in retention groups on the register. Likewise, if there are any employees serving in positions in the competitive level under any kind of appointments, with current official performance ratings of "Unsatisfactory", their names shall be entered on the register below the names of temporary appointees.

(2) *Separation of registers.* Separate registers shall be compiled to show the distinctions between competitive levels representing positions in the competitive service; excepted from the competitive service; and those filled on a seasonal,

when-actually-employed (WAE), or part-time basis.

(3) *Availability for inspection.* Employees notified of proposed adverse action in a reduction in force shall have an opportunity to examine retention registers and other records which have a bearing on the actions in their cases. All registers and records shall be open for inspection by representatives of the Civil Service Commission.

(e) *Sequence of selection.* With respect to each competitive level, action must be taken to remove all employees with official "Unsatisfactory" performance ratings, and all temporary employees, from positions affected by a reduction in force before any competing employee, in any retention group, is reached for action. Thereafter, selections for action must be made in order from the bottom to the top of the register. Half years of service will be used in breaking ties in retention standing, but any ties still remaining will be decided administratively.

§ 20.5 *Actions.*—(a) *In general.* Employees who cannot be retained in their positions because of a reduction in force will be changed to continuing positions, separated, or furloughed.

(b) *Employees in positions in the competitive service.* (1) No employee may be separated, or furloughed for more than thirty days, or reduced in pay or grade in a reduction in force while a competing employee with lower retention standing is retained in the same competitive level.

(2) No employee in any subgroup of the career group or the career-conditional group who is willing to accept a reasonable change in position may be separated, furloughed for more than thirty days, or subjected to greater reduction in pay than necessary under such reasonable change in position, if he is qualified for a continuing position in another competitive level in his current commuting area in which an employee with lower subgroup standing is retained, or if he is qualified to go back to a continuing position from which he was promoted (or to an essentially identical position) in his present competitive area in which an employee with lower retention standing is retained.

(c) *Employees in positions excepted from the competitive service.* No employee in a position excepted from the competitive service may be separated, furloughed for more than thirty days, or reduced in grade or pay in a reduction in force if a competing employee with lower retention standing is retained in the same competitive level.

(d) *Reasonable change in position.* Any change in position under these regulations is reasonable if it is made without reduction in grade or pay. If a reduction in grade or pay cannot be avoided, any such change is reasonable if made with the least reduction required to conform with these regulations. Employees are not required to be given options as to alternative changes possible in any particular case. No agency shall be required to fill a vacant position, or to promote any employee, or to transfer any employee to a different duty station, and

no agency shall be prohibited from taking such administrative actions. No employee rendering satisfactory service in a position shall be required to be displaced by a competing employee who is not qualified for such position under the regulations in this part.

(e) *Furloughs.* Furloughs shall be given only when the reduction is temporary and contemplates the recall of employees to the positions from which furloughed. They may not extend more than one year from the date of notice, and shall provide that the employees report back for duty at the end of the furlough period if not recalled earlier.

(f) *Exceptions.* An exception to the regular order of selection or to the above provisions governing actions in a reduction in force may be made only when necessary to retain an employee engaged on necessary duties which cannot be taken over without undue interruption to the activity, by an employee with higher retention standing. In such cases, each employee affected adversely by the exception must be notified of the reasons and of his right to appeal to the Civil Service Commission for a review of such reasons.

§ 20.6 *Notice to employees—(a) Proposed action.* Each employee who is to be separated from the rolls, furloughed for more than thirty days, or reduced in grade or pay, in a reduction in force, under the regulations in this part, shall be given a notice in writing, stating specifically the action proposed in his case and the reasons therefor, at least thirty days, and not more than ninety days, except as provided in paragraph (e) of this section, in advance of the effective date of the action.

(b) *Status during notice period.* Wherever possible, the employee shall be retained on active duty during the notice period, but may be placed on annual leave with or without his consent, on leave without pay with his consent, or in an emergency when there is a lack of work or a lack of funds for all or part of the notice period, he may be placed in a non-pay leave status. The reasons for any time without pay during the notice period will be reviewed upon the request of the employee if he appeals to the Commission.

(c) *General and special notices.* When there is insufficient time to plan all changes in positions and other adjustments thirty days in advance of a reduction in force, general notices may be given at least thirty days in advance of the proposed actions, stating that action will probably be necessary, outlining the reasons for the probable actions, and informing the employees that they will receive specific notices in advance of the effective dates of the actions. In such cases the notice periods will begin on the dates the general notices were received by the employees, and the sufficiency of the contents will be determined on the basis of statements in both general and specific notices.

(d) *Contents of notice.* Notices to employees shall set forth the nature and effective date of the proposed actions, the place where they may inspect copies of the regulations in this part and the

retention records which have a bearing on the action in their cases, specific reasons for any exceptions, appeal rights within the agency and to the Civil Service Commission, and all available information to aid the employee in securing other employment.

(e) *Employee with statutory retention rights.* Notices to employees in positions in which they have one-year statutory retention rights as the result of restoration after service with the armed forces, shall show effective dates on or after the expiration of such rights.

(f) *Invalidation of notices.* A general notice or other indefinite notice that is not followed by a definite notice, or renewed as an indefinite notice, within thirty days, is thereafter invalid as a notice of proposed action in a reduction in force. Any notice becomes invalid if it is not followed by action according to its terms, or as amended before action is due.

§ 20.7 *Reemployment priority—(a) Reemployment priority list.* Each agency shall establish and maintain a reemployment priority list for each competitive area from which career employees (and career-conditional employees, who have completed probation) have been separated in reductions in force, from competitive service positions on the basis of notices as provided in § 20.6. Each of these employees shall have his name entered on the reemployment priority list for all competitive service positions in the competitive area for which he is qualified and is available, and continued on such list for a period of one year from the date of such notice. His name may be deleted from such list upon his signed written request, upon his acceptance of a nontemporary position in any Federal agency, or if he declines reemployment to a position in the competitive service equivalent in grade and salary to the position from which separated by reduction in force.

(b) *Restriction in filling positions.* No position in the competitive service, for which there is a qualified person available on the reemployment priority list, may be filled by the transfer of an employee of a different agency, or by the new appointment of any person except a qualified 10-point preference eligible. Furthermore, no such position may be filled by the reemployment of a person who is not on the reemployment priority list, unless such person is a preference eligible. These restrictions shall not apply if all qualified persons on the reemployment priority list decline, or fail to respond to, offers of reemployment to the position. In selections for reemployment from such priority lists, qualified preference eligibles shall have preference. An exception to these provisions may be made only when necessary to obtain an employee for necessary duties which cannot be taken over without undue interruption to the activity, by any person on the reemployment priority list, or with greater preference on such list. In such cases, each person adversely affected by the exception must be notified of the reasons, and of his right to appeal to the Civil Service Commission for a review of such reasons.

(c) *Reemployments.* Any person listed, or entitled to be listed, on a reemployment priority list may be reemployed in the competitive service under this section within his period of reemployment priority, and when so reemployed shall have the same tenure as if he had been transferred from his last career appointment.

(d) *Appeals.* Any former employee who feels that there has been a violation of his reemployment priority benefits under the foregoing provisions may appeal to the Civil Service Commission by presenting factual information that he was improperly denied reemployment as the result of the employment of another person.

§ 20.8 *Special regulations relating to consolidation and liquidations.* (a) Before any reduction in force is made in connection with the transfer of any or all of the functions of an agency to another continuing agency, all competing employees in positions identified with such function or functions shall be transferred to such continuing agency, without change in tenure of appointment. Employees whose positions are transferred solely for the purpose of liquidation, and not identified with operating functions specifically authorized at the time of transfer to continue in operation more than sixty days, shall not be considered as competing employees for other positions in the receiving agency.

(b) Whenever it has been determined that all positions in the entire agency or an entire competitive area are to be abolished within a period of three months or less, actions may be taken with regard to individual employees in any retention sub-group at administrative discretion. Employees reached for separation under this paragraph shall be given individual notices in writing conforming generally to the notice requirements under § 20.6 but containing a statement of the authority which requires the liquidation, and the time period in which the liquidation is to be accomplished.

§ 20.9 *Appeals.* (a) Any employee notified of proposed action in a reduction in force who believes that the regulations in this part have not been correctly applied may appeal to the appropriate office of the Civil Service Commission, stating reasons for believing the proposed action to be improper, within ten days from the date he received notice of the proposed action (or supplementary notice specifying different adverse action), or within ten days after a decision by the agency on his answer to any notice giving him an opportunity to answer.

(b) Further appeals: An appeal may be made by the employee or the employing agency from the initial decision within the Commission, to the Commissioners, United States Civil Service Commission, Washington 25, D. C., within seven days of the date of receipt of notification of the initial decision.

(c) *Finality of Commission recommendation:* The agency is required to take corrective action without delay conforming to the Commission's recommendation, but action to comply with an initial decision may be stayed when a further appeal to the Commissioners is

made in accordance with paragraph (b) of this section, until such time as the Commission's decision on the further appeal is made.

(52 Stat. 575; 5 U. S. C. Sup. II 868)

UNITED STATES CIVIL SERVICE COMMISSION,

[SEAL] ROBERT RAMSPECK,
Chairman.

[F. R. Doc. 52-13595; Filed, Dec. 24, 1952;
8:50 a. m.]

TITLE 7—AGRICULTURE

Chapter VII—Production and Marketing Administration (Agricultural Adjustment), Department of Agriculture

PART 725—BURLEY AND FLUE-CURED TOBACCO

PROCLAMATION OF THE RESULTS OF MARKETING QUOTA REFERENDUM FOR MARKETING YEAR BEGINNING OCTOBER 1, 1953

§ 725.407 *Basis and purpose.* Sections 725.407 and 725.408 are issued to announce the results of the Burley tobacco marketing quota referendum for the marketing year beginning October 1, 1953, and for the three-year period beginning October 1, 1953. Under the provisions of the Agricultural Adjustment Act of 1938, as amended, the Secretary proclaimed a national marketing quota for Burley tobacco for the 1953-54 marketing year (17 F. R. 10134). The Secretary announced (17 F. R. 10148) that a referendum would be held on November 22, 1952, to determine whether Burley tobacco producers were in favor of or opposed to marketing quotas for the marketing year beginning October 1, 1953, and to determine whether Burley tobacco producers were in favor of or opposed to marketing quotas for the three-year period beginning October 1, 1953. Since the only purpose of this proclamation is to announce the results of the referendum, it is hereby found and determined that with respect to this proclamation, application of the notice and procedure provisions of the Administrative Procedure Act (5 U. S. C. 1003) is unnecessary.

§ 725.408 *Proclamation of the results of the Burley tobacco marketing quota referendum for the marketing year beginning October 1, 1953 and for the three-year period beginning October 1, 1953.* In a referendum of farmers engaged in the production of the 1952 crop of Burley tobacco held on November 22, 1952, 179,493 farmers voted. Of those voting, 174,014 or 97.0 percent, favored quotas for a period of three years beginning October 1, 1953; 2,344 or 1.3 percent favored quotas for only the one year beginning October 1, 1953; and 3,135 or 1.7 percent were opposed to quotas. Therefore, the national marketing quota of 546,000,000 pounds proclaimed November 5, 1952 (17 F. R. 10134) for Burley tobacco for the 1953-54 marketing year will be in effect for such year and marketing quotas on Burley tobacco will be in effect for three marketing years beginning October 1, 1953.

(Sec. 375, 52 Stat. 66; 7 U. S. C. 1375. Interpret or apply sec. 312, 52 Stat. 46, as amended; 7 U. S. C. 1312)

Done at Washington, D. C. this 22d day of December 1952. Witness my hand and the seal of the Department of Agriculture.

[SEAL] CHARLES F. BRANNAN,
Secretary of Agriculture.

[F. R. Doc. 52-13606; Filed, Dec. 24, 1952;
8:52 a. m.]

TITLE 14—CIVIL AVIATION

Chapter I—Civil Aeronautics Board

Subchapter A—Civil Air Regulations

[Supp. 10, Amdt. 1]

PART 3—AIRPLANE AIRWORTHINESS; NORMAL, UTILITY, AND ACROBATIC CATEGORIES

SAFETY BELT ATTACHMENT LOADS

The purpose of this amendment is to make minor editorial changes or corrections in references in the existing rules, interpretations and policies of the Civil Aeronautics Administration. Inasmuch as the changes do not impose any additional burden, notice and public procedure thereon are unnecessary and the following amendment is made effective without prior notice.

Delete § 3.391-1 as published on April 14, 1951 in 16 F. R. 3278.

(Sec. 205, 52 Stat. 984, as amended; 49 U. S. C. 425)

This amendment shall become effective upon publication in the FEDERAL REGISTER.

[SEAL] F. B. LEE,
Acting Administrator
of Civil Aeronautics.

[F. R. Doc. 52-13568; Filed, Dec. 24, 1952;
8:45 a. m.]

[Supp. 18, Amdt. 1]

PART 4b—AIRPLANE AIRWORTHINESS; TRANSPORT CATEGORIES

WATER HANDLING CHARACTERISTICS WITH REVERSE THRUST

The purpose of this amendment is to make minor editorial changes or corrections in references in the existing rules, interpretations and policies of the Civil Aeronautics Administration. Inasmuch as the changes do not impose any additional burden, notice and public procedure thereon are unnecessary and the following amendments are made effective without prior notice.

1. Delete §§ 4b.180-1 and 4b.181-1 as published on May 16, 1951 in 16 F. R. 4522.

(Sec. 205, 52 Stat. 984, as amended; 49 U. S. C. 425)

This amendment shall become effective upon publication in the FEDERAL REGISTER.

[SEAL] F. B. LEE,
Acting Administrator
of Civil Aeronautics.

[F. R. Doc. 52-13567; Filed, Dec. 24, 1952;
8:45 a. m.]

[Supp. 1, Amdt. 2]

PART 8—AIRCRAFT AIRWORTHINESS; RESTRICTED CATEGORY

REPAIRS AND ALTERATIONS

The purpose of this amendment is to make minor editorial changes and corrections in references in the existing rules, interpretations and policies of the Civil Aeronautics Administration. Inasmuch as the changes do not impose any additional burden, notice and public procedure thereon are unnecessary and the following amendments are made effective without prior notice.

Section 8.20-3 as published on December 23, 1950, in 15 F. R. 9227, is amended as follows:

1. Delete the last sentence of the first paragraph of the introduction to that section.

2. Paragraph (b) (2) (i) thereof is amended to read:

(i) *Technical data.* The repair agency should prepare Form ACA-337 as specified in subdivision (ii) of this subparagraph. It is responsible for determining that the repair or alteration is airworthy in accordance with good aeronautical practices.

3. The first sentence of the second undesignated paragraph of paragraph (b) (2) (ii) thereof is amended to read:

The repair agency should insert under item 7 a narrative description of the repair and/or alteration. The first statement under item 7 should indicate that the repair or alteration has been made under the provisions of this part.

(Sec. 205, 52 Stat. 984, as amended; 49 U. S. C. 425. Interprets or applies secs. 601, 603, 52 Stat. 1007, 1009, as amended; 49 U. S. C. 551, 553)

This amendment shall become effective upon publication in the FEDERAL REGISTER.

[SEAL] F. B. LEE,
Acting Administrator
of Civil Aeronautics.

[F. R. Doc. 52-13568; Filed, Dec. 24, 1952;
8:45 a. m.]

Chapter II—Civil Aeronautics Administration, Department of Commerce

[Amdt. 1]

PART 410—DELEGATION OPTION PROCEDURES FOR CERTIFICATION OF SMALL AIRPLANES

MAINTENANCE, REPAIR, AND ALTERATION OF AIRCRAFT

The purpose of this amendment is to make minor editorial changes and corrections in references in the existing rules, interpretations and policies of the Civil Aeronautics Administration. Inasmuch as the changes do not impose any additional burden, notice and public procedure thereon are unnecessary and the following amendment is made effective without prior notice.

Section 410.37 as published on October 4, 1951, in 16 F. R. 10117, is amended by

deleting the second sentence of paragraph (a) (2) thereof.

(Sec. 205, 52 Stat. 984, as amended; 49 U. S. C. 425. Interprets or applies sec. 603, 52 Stat. 1009, as amended; sec. 310, 64 Stat. 1080; 49 U. S. C. and Sup. 553, 460)

This amendment shall become effective upon publication in the FEDERAL REGISTER.

[SEAL]

F. B. LEE,
Acting Administrator
of Civil Aeronautics.

[F. R. Doc. 52-13569; Filed, Dec. 24, 1952;
8:45 a. m.]

[Amdt. 24]

PART 610—MINIMUM EN ROUTE INSTRUMENT ALTITUDES

ALTERATIONS

The purpose of this amendment is to make minor corrections in references to existing minimum en route IFR altitudes adopted by the Administrator. Inasmuch as the changes do not impose any additional burden, notice and public procedure thereon are unnecessary and the following amendments are made effective without prior notice:

(1) Substitute "Section 610.605" for "Section 610.205", appearing in Amendment 18, Item 14, published on November 7, 1952, in 17 F. R. 10104.

(2) Substitute "Section 610.621" for "Section 610.221", appearing in Amendment 18, Item 17, published on November 7, 1952, in 17 F. R. 10104.

(3) Substitute "Clarksfield" for "Clarksville" wherever that word appears in Amendment 19, Item 1.a., published on November 7, 1952, in 17 F. R. 10102.

(Sec. 205, 52 Stat. 984, as amended; 49 U. S. C. 425. Interprets or applies sec. 601, 52 Stat. 1007, as amended; 49 U. S. C. 551)

This amendment shall become effective upon publication in the FEDERAL REGISTER.

[SEAL]

F. B. LEE,
Acting Administrator
of Civil Aeronautics.

[F. R. Doc. 52-13570; Filed, Dec. 24, 1952;
8:46 a. m.]

TITLE 21—FOOD AND DRUGS

Chapter I—Food and Drug Administration, Federal Security Agency

PART 146—CERTIFICATION OF BATCHES OF ANTIBIOTIC AND ANTIBIOTIC-CONTAINING DRUGS

MISCELLANEOUS AMENDMENTS

By virtue of the authority vested in the Federal Security Administrator by the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 507, 52 Stat. 1040, 1055, as amended by 59 Stat. 463, 61 Stat. 11, 63 Stat. 409; 21 U. S. C. 357), the regulations for certification of antibiotic and antibiotic-containing drugs (21 CFR 1951 Supp., Part 146; 17 F. R. 150, 1178, 1419, 2471, 2600, 3230, 3632, 4559, 5812, 7043, 7885, 8036, 8533, 9662, 9663) are amended as indicated below:

1. Section 146.1 (s) is amended to read:

§ 146.1 Definitions and interpretations. * * *

(s) The term "manufacture" does not include the use of a drug as an ingredient in compounding any prescription issued by a practitioner licensed by law to administer such drug.

2. a. Section 146.4 (b) (2) (ii) is amended to read:

§ 146.4 Conditions on the effectiveness of certificates. * * *

(b) * * *

(2) * * *

(ii) If the drug is in a container packaged for dispensing and is used in compounding a prescription issued by a practitioner licensed by law to administer such drug, such certificate shall continue to be effective for a reasonable time to permit the delivery of the drug compounded on such prescription; or

b. Section 146.4 (b) (6) (i) is amended to read:

(i) By a practitioner licensed by law to administer such drug; or

3. a. In § 146.24 Sodium penicillin * * *, paragraph (c) Labeling is amended by renumbering subparagraphs (2) and (3) as (3) and (4), respectively, and by inserting the following new subparagraph (2) between subparagraph (1) and renumbered subparagraph (3):

(2) On the immediate container, the statement "Sterile solution may be kept in refrigerator for _____ days without significant loss of potency," the blank being filled in with the figure "3" if it is crystalline penicillin or with the figure "7" if it is not crystalline penicillin, unless such information is contained in the labeling within the package from which it is dispensed.

b. In § 146.24 (c), renumbered subparagraphs (3) and (4) are amended to read:

(3) On the outside wrapper or container:

(i) If it is not crystalline penicillin, the statement "Store in refrigerator not above 15° C. (59° F.)" or "Store below 15° C. (59° F.)."

(ii) The statement "Caution: Federal law prohibits dispensing without prescription," unless it is packaged for dispensing and it is intended solely for veterinary use and is conspicuously so labeled.

(iii) If it is packaged for dispensing and it is intended for use by man, a reference specifically identifying a readily available medical publication containing information (including contraindications and possible sensitization) adequate for the use of such drug by practitioners licensed by law to administer it; or a reference to a brochure or other printed matter containing such information, and a statement that such brochure or other printed matter will be sent on request: *Provided, however, That this reference may be omitted if the information is contained in a circular or other labeling within or attached to the package.*

(4) On the circular or other labeling within or attached to the package, if it is packaged for dispensing and it is intended solely for veterinary use and is conspicuously so labeled, adequate directions and warnings for the veterinary use of such drug by the laity. Such circular or other labeling may also bear a statement that a brochure or other printed matter containing information for other veterinary uses of such drug by a veterinarian licensed by law to administer it will be sent to such veterinarian on request.

4. a. In § 146.25 Penicillin in oil and wax * * *, paragraph (c) Labeling is amended by renumbering subparagraph (2) as subparagraph (3) and by inserting the following new subparagraph (2) between subparagraph (1) and renumbered subparagraph (3):

(2) On the outside wrapper or container:

(i) The statement "Caution: Federal law prohibits dispensing without prescription," unless it is packaged for dispensing and it is intended solely for veterinary use and is conspicuously so labeled.

(ii) If it is packaged for dispensing and it is intended for use by man, a reference specifically identifying a readily available medical publication containing information (including contraindications and possible sensitization) adequate for the use of such drug by practitioners licensed by law to administer it; or a reference to a brochure or other printed matter containing such information, and a statement that such brochure or other printed matter will be sent on request: *Provided, however, That this reference may be omitted if the information is contained in a circular or other labeling within or attached to the package.*

b. In § 146.25 (c), renumbered subparagraph (3) is amended to read:

(3) On the circular or other labeling within or attached to the package, if it is packaged for dispensing and it is intended solely for veterinary use and is conspicuously so labeled, adequate directions and warnings for the veterinary use of such drug by the laity. Such circular or other labeling may also bear a statement that a brochure or other printed matter containing information for other veterinary uses of such drug by a veterinarian licensed by law to administer it will be sent to such veterinarian on request.

5. Section 146.26 (c) (2) (ii) and (iii) and (3) are amended to read:

§ 146.26 Penicillin ointment * * *

(c) Labeling. * * *

(2) * * *

(ii) The statement "Caution: Federal law prohibits dispensing without prescription," unless it is packaged for dispensing and it is intended solely for veterinary use and is conspicuously so labeled.

(iii) If it is packaged for dispensing and it is intended for use by man, a reference specifically identifying a readily available medical publication containing information (including contraindications

tions and possible sensitization) adequate for the use of such drug by practitioners licensed by law to administer it; or a reference to a brochure or other printed matter containing such information, and a statement that such brochure or other printed matter will be sent on request: *Provided, however*, That this reference may be omitted if the information is contained in a circular or other labeling within or attached to the package.

(3) On the circular or other labeling within or attached to the package, if it is packaged for dispensing and it is intended solely for veterinary use and is conspicuously so labeled, adequate directions and warnings for the veterinary use of such drug by the laity. Such circular or other labeling may also bear a statement that a brochure or other printed matter containing information for other veterinary uses of such drug by a veterinarian licensed by law to administer it will be sent to such veterinarian on request.

6. Section 146.27 (c) (2) and (4) are amended to read:

§ 146.27 *Penicillin tablets*. * * *

(c) *Labeling*. * * *

(2) On the outside wrapper or container:

(i) The statement "Caution: Federal law prohibits dispensing without prescription," unless it is packaged for dispensing and it is intended solely for veterinary use and is conspicuously so labeled.

(ii) If it is packaged for dispensing and it is intended for use by man, a reference specifically identifying a readily available medical publication containing information (including contraindications and possible sensitization) adequate for the use of such drug by practitioners licensed by law to administer it; or a reference to a brochure or other printed matter containing such information, and a statement that such brochure or other printed matter will be sent on request: *Provided, however*, That this reference may be omitted if the information is contained in a circular or other labeling within or attached to the package.

(4) On the circular or other labeling within or attached to the package, if it is packaged for dispensing and it is intended solely for veterinary use and is conspicuously so labeled, adequate directions and warnings for the veterinary use of such drug by the laity. Such circular or other labeling may also bear a statement that a brochure or other printed matter containing information for other veterinary uses of such drug by a veterinarian licensed by law to administer it will be sent to such veterinarian on request.

7. a. In § 146.29 *Penicillin with aluminum hydroxide gel*, paragraph (c) *Labeling* is amended by renumbering subparagraphs (3) and (4) as subparagraphs (4) and (5), respectively, and by inserting the following new subparagraph (3) between subparagraph (2) and renumbered subparagraph (4):

(3) On the immediate container of the aluminum hydroxide gel, the conditions under which the mixture should be stored, including a reference to its instability when stored under other conditions, and the statement "The mixture may be kept in refrigerator for 1 week without significant loss of potency," unless such information is contained in the circular or other labeling within or attached to the package.

b. In § 146.29 (c), renumbered subparagraphs (4) and (5) are amended to read:

(4) On the outside wrapper or container and the immediate container of the aluminum hydroxide gel:

(i) A statement giving the method for dissolving the penicillin in the aluminum hydroxide gel.

(ii) The potency per milliliter after the penicillin has been dissolved therein.

(5) On the outside wrapper or container:

(i) The statement "Caution: Federal law prohibits dispensing without prescription," unless it is packaged for dispensing and it is intended solely for veterinary use and is conspicuously so labeled.

(ii) If it is not crystalline penicillin, the statement "Store in refrigerator not above 15° C. (59° F.)" or "Store below 15° C. (59° F.)."

(iii) If it is packaged for dispensing and it is intended for use by man, a reference specifically identifying a readily available medical publication containing information (including contraindications and possible sensitization) adequate for the use of such drug by practitioners licensed by law to administer it; or a reference to a brochure or other printed matter containing such information, and a statement that such brochure or other printed matter will be sent on request: *Provided, however*, That this reference may be omitted if the information is contained in a circular or other labeling within or attached to the package.

c. Section 146.29 (c) is further amended by adding the following new subparagraph (6):

(6) On the circular or other labeling within or attached to the package, if it is packaged for dispensing and it is intended solely for veterinary use and is conspicuously so labeled, adequate directions and warnings for the veterinary use of such drug by the laity. Such circular or other labeling may also bear a statement that a brochure or other printed matter containing information for other veterinary uses of such drug by a veterinarian licensed by law to administer it will be sent to such veterinarian on request.

8. Section 146.30 (c) (2) (ii) and (iii) are amended to read:

§ 146.30 *Penicillin troches*. * * *

(c) *Labeling*. * * *

(2) * * *

(ii) The statement "Caution: Federal law prohibits dispensing without prescription";

(iii) If it is packaged for dispensing, a reference specifically identifying a readily available medical publication

containing information (including contraindications and possible sensitization) adequate for the use of such drug by practitioners licensed by law to administer it; or a reference to a brochure or other printed matter containing such information, and a statement that such brochure or other printed matter will be sent on request: *Provided, however*, That this reference may be omitted if the information is contained in a circular or other labeling within or attached to the package.

9. Section 146.31 (c) (2) and (4) are amended to read:

§ 146.31 *Penicillin dental cones*. * * *

(c) *Labeling*. * * *

(2) On the outside wrapper or container:

(i) The statement "Caution: Federal law prohibits dispensing without prescription," unless it is packaged for dispensing and it is intended solely for veterinary use and is conspicuously so labeled.

(ii) If it is packaged for dispensing and it is intended for use by man, a reference specifically identifying a readily available medical publication containing information (including contraindications and possible sensitization) adequate for the use of such drug by practitioners licensed by law to administer it; or a reference to a brochure or other printed matter containing such information, and a statement that such brochure or other printed matter will be sent on request: *Provided, however*, That this reference may be omitted if the information is contained in a circular or other labeling within or attached to the package.

(4) On the circular or other labeling within or attached to the package, if it is packaged for dispensing and it is intended solely for veterinary use and is conspicuously so labeled, adequate directions and warnings for the veterinary use of such drug by the laity.

10. Section 146.32 (c) (3) and (4) are amended to read:

§ 146.32 *Penicillin with vasoconstrictor*. * * *

(c) *Labeling*. * * *

(3) On the outside wrapper or container:

(i) The statement "Caution: Federal law prohibits dispensing without prescription," unless it is packaged for dispensing and it is intended solely for veterinary use and is conspicuously so labeled.

(ii) If it is packaged for dispensing and it is intended for use by man, a reference specifically identifying a readily available medical publication containing information (including contraindications and possible sensitization) adequate for the use of such drug by practitioners licensed by law to administer it; or a reference to a brochure or other printed matter containing such information, and a statement that such brochure or other printed matter will be sent on request: *Provided, however*, That this reference may be omitted if the information is contained in a circular or other labeling within or attached to the package.

(4) On the circular or other labeling within or attached to the package, if it is packaged for dispensing and it is intended solely for veterinary use and is conspicuously so labeled, adequate directions and warnings for the veterinary use of such drug by the laity. Such circular or other labeling may also bear a statement that a brochure or other printed matter containing information for other veterinary uses of such drug by a veterinarian licensed by law to administer it will be sent to such veterinarian on request.

11. a. In § 146.33 *Penicillin for surface application*, paragraph (c) *Labeling* is amended by renumbering subparagraphs (2) and (3) as subparagraphs (3) and (4), respectively, and by inserting the following new subparagraph (2) between subparagraph (1) and renumbered subparagraph (3):

(2) On the immediate container, the conditions under which solutions of penicillin for surface application should be stored, including a reference to their instability when stored under other conditions, and the statement "The mixture may be kept in refrigerator for 1 week without significant loss of potency," unless such information is contained in the circular or other labeling within or attached to the package.

b. In § 146.33 (c), renumbered subparagraphs (3) and (4) are amended to read:

(3) On the outside wrapper or container:

(i) The statement "Store in refrigerator not above 15° C. (59° F.)" or "Store below 15° C. (59° F.)."

(ii) If two or more immediate containers or foil or film enclosures are in such packages, the number of such containers or foil or film enclosures therein and the number of units in each.

(iii) The statement "Caution: Federal law prohibits dispensing without prescription," unless it is packaged for dispensing and it is intended solely for veterinary use and is conspicuously so labeled.

(iv) If it is packaged for dispensing and it is intended for use by man, a reference specifically identifying a readily available medical publication containing information (including contraindications and possible sensitization) adequate for the use of such drug by practitioners licensed by law to administer it; or a reference to a brochure or other printed matter containing such information, and a statement that such brochure or other printed matter will be sent on request: *Provided, however*, That this reference may be omitted if the information is contained in a circular or other labeling within or attached to the package.

(4) On the circular or other labeling within or attached to the package, if it is packaged for dispensing and it is intended solely for veterinary use and is conspicuously so labeled, adequate directions and warnings for the veterinary use of such drug by the laity. Such circular or other labeling may also bear a statement that a brochure or other printed matter containing information for other veterinary uses of such drug by

a veterinarian licensed by law to administer it will be sent to such veterinarian on request.

12. Section 146.34 (c) (2) (ii) and (iii) and (3) are amended to read:

§ 146.34 *Tablets aluminum penicillin.*

(c) *Labeling.* . . .

(2) . . .

(ii) The statement "Caution: Federal law prohibits dispensing without prescription," unless it is packaged for dispensing and is intended solely for veterinary use and is conspicuously so labeled.

(iii) If it is packaged for dispensing and it is intended for use by man, a reference specifically identifying a readily available medical publication containing information (including contraindications and possible sensitization) adequate for the use of such drug by practitioners licensed by law to administer it; or a reference to a brochure or other printed matter containing such information, and a statement that such brochure or other printed matter will be sent on request: *Provided, however*, That this reference may be omitted if the information is contained in a circular or other labeling within or attached to the package.

(3) On the circular or other labeling within or attached to the package, if it is packaged for dispensing and it is intended solely for veterinary use and is conspicuously so labeled, adequate directions and warnings for the veterinary use of such drug by the laity. Such circular or other labeling may also bear a statement that a brochure or other printed matter containing information for other veterinary uses of such drug by a veterinarian licensed by law to administer it will be sent to such veterinarian on request.

13. Section 146.35 (c) is amended to read:

§ 146.35 *Penicillin sulfonamide powder.* . . .

(c) *Labeling.* Each package of penicillin sulfonamide powder shall bear, on its label or labeling as hereinafter indicated, the following:

(i) On the outside wrapper or container and immediate container:

(i) The batch mark.

(ii) The number of units in each immediate container.

(iii) The statement "Expiration date _____," the blank being filled in, if crystalline penicillin is used, with the date which is 18 months, or if crystalline penicillin is not used, with the date which is 9 months after the month during which the batch was certified.

(iv) If crystalline penicillin is not used, the statement "Store in refrigerator not above 15° C. (59° F.)" or "Store below 15° C. (59° F.)."

(2) On the outside wrapper or container:

(i) The statement "Caution: Federal law prohibits dispensing without prescription," unless it is packaged for dispensing and it is intended solely for veterinary use and is conspicuously so labeled.

(ii) If it is packaged for dispensing and it is intended for use by man, a reference specifically identifying a readily available medical publication containing information (including contraindications and possible sensitization) adequate for the use of such drug by practitioners licensed by law to administer it; or a reference to a brochure or other printed matter containing such information, and a statement that such brochure or other printed matter will be sent on request: *Provided, however*, That this reference may be omitted if the information is contained in a circular or other labeling within or attached to the package.

(3) On the label and the labeling, after the name penicillin sulfonamide powder, wherever it appears, the words "with _____" in juxtaposition with such name, the blank being filled in with the name of the sulfonamide used.

(4) On the circular or other labeling within or attached to the package, if it is packaged for dispensing and it is intended solely for veterinary use and is conspicuously so labeled, adequate directions and warnings for the veterinary use of such drug by the laity. Such circular or other labeling may also bear a statement that a brochure or other printed matter containing information for other veterinary uses of such drug by a veterinarian licensed by law to administer it will be sent to such veterinarian on request.

14. Section 146.36 (c) (2) (ii) and (iii) and (3) are amended to read:

§ 146.36 *Penicillin vaginal suppositories.* . . .

(c) *Labeling.* . . .

(2) . . .

(ii) The statement "Caution: Federal law prohibits dispensing without prescription," unless it is packaged for dispensing and it is intended solely for veterinary use and is conspicuously so labeled;

(iii) If it is packaged for dispensing and it is intended for use by man, a reference specifically identifying a readily available medical publication containing information (including contraindications and possible sensitization) adequate for the use of such drug by practitioners licensed by law to administer it; or a reference to a brochure or other printed matter containing such information, and a statement that such brochure or other printed matter will be sent on request: *Provided, however*, That this reference may be omitted if the information is contained in a circular or other labeling within or attached to the package.

(3) On the circular or other labeling within or attached to the package, if it is packaged for dispensing and it is intended solely for veterinary use and is conspicuously so labeled, adequate directions and warnings for the veterinary use of such drug by the laity. Such circular or other labeling may also bear a statement that a brochure or other printed matter containing information for other veterinary uses of such drug by a veterinarian licensed by law to administer it will be sent to such veterinarian on request.

15. Section 146.37 (c) is amended to read:

§ 146.37 Buffered crystalline penicillin.

(c) The immediate container, if it is packaged for dispensing, shall bear, in lieu of the statement prescribed for crystalline penicillin by § 146.24 (c) (2), the statement "Sterile solution may be kept in refrigerator for 1 week without significant loss of potency," unless such information is contained in the circular or other labeling within or attached to the package from which it is dispensed;

16. Section 146.38 (c) (2) and (3) are amended to read:

§ 146.38 Capsules buffered penicillin with pectin hydrolysate * * *

(c) **Labeling.** * * *

(2) On the outside wrapper or container:

(i) The statement "Caution: Federal law prohibits dispensing without prescription," unless it is packaged for dispensing and it is intended solely for veterinary use and is conspicuously so labeled.

(ii) If it is packaged for dispensing and it is intended for use by man, a reference specifically identifying a readily available medical publication containing information (including contraindications and possible sensitization) adequate for the use of such drug by practitioners licensed by law to administer it; or a reference to a brochure or other printed matter containing such information, and a statement that such brochure or other printed matter will be sent on request: *Provided, however*, That this reference may be omitted if the information is contained in a circular or other labeling within or attached to the package.

(3) On the circular or other labeling within or attached to the package, if it is packaged for dispensing and it is intended solely for veterinary use and is conspicuously so labeled, adequate directions and warnings for the veterinary use of such drug by the laity. Such circular or other labeling may also bear a statement that a brochure or other printed matter containing information for other veterinary uses of such drug by a veterinarian licensed by law to administer it will be sent to such veterinarian on request.

17. Section 146.40 (c) (2) is amended to read:

§ 146.40 Penicillin bougies * * *

(c) **Labeling.** * * *

(2) On the circular or other labeling within or attached to the package, if it is packaged for dispensing, adequate directions and warnings for the veterinary use of such drug by the laity.

18. a. In § 146.41 *Crystalline penicillin and epinephrine in oil*, paragraph (c) **Labeling** is amended by renumbering subparagraph (2) as subparagraph (3) and by inserting the following new subparagraph (2) between subparagraph (1) and renumbered subparagraph (3).

(2) On the outside wrapper or container, the statement "Caution: Federal law prohibits dispensing without pre-

scription," unless it is packaged for dispensing and it is intended solely for veterinary use and is conspicuously so labeled.

b. In § 146.41 (c), renumbered subparagraph (3) is amended to read:

(3) On the circular or other labeling within or attached to the package, if it is packaged for dispensing:

(i) If it is intended for use by man, adequate directions and warnings for its use by practitioners licensed by law to administer such drug.

(ii) If it is intended solely for veterinary use and is conspicuously so labeled, adequate directions and warnings for the veterinary use of such drug by the laity. Such circular or other labeling may also bear a statement that a brochure or other printed matter containing information for other veterinary uses of such drug by a veterinarian licensed by law to administer it will be sent to such veterinarian on request.

19. In § 146.42 *Aluminum penicillin* * * *, paragraph (c) **Labeling** is amended by deleting the word "and" at the end of subparagraph (4), by changing the period at the end of subparagraph (5) to a semicolon, and adding the following new subparagraph (6):

(6) The statement "Caution: Federal law prohibits dispensing without prescription."

20. a. In § 146.43 *Aluminum penicillin in oil*, paragraph (c) **Labeling** is amended by renumbering subparagraph (2) as subparagraph (3) and by inserting the following new subparagraph (2) between subparagraph (1) and renumbered subparagraph (3):

(2) On the outside wrapper or container the statement "Caution: Federal law prohibits dispensing without prescription," unless it is packaged for dispensing and it is intended solely for veterinary use and is conspicuously so labeled.

b. In § 146.43 (c), renumbered subparagraph (3) is amended to read:

(3) On the circular or other labeling within or attached to the package, if it is packaged for dispensing:

(i) If it is intended for use by man, adequate directions and warnings for its use by practitioners licensed by law to administer such drug.

(ii) If it is intended solely for veterinary use and is conspicuously so labeled, adequate directions and warnings for the veterinary use of such drug by the laity. Such circular or other labeling may also bear a statement that a brochure or other printed matter containing information for other veterinary uses of such drug by a veterinarian licensed by law to administer it will be sent to such veterinarian on request.

21. In § 146.44 *Procaine penicillin* * * *, paragraph (c) **Labeling** is amended by deleting the word "and" at the end of subparagraph (3), by changing the period at the end of subparagraph (4) to a semicolon, and by adding the following new subparagraph (5):

(5) The statement "Caution: Federal law prohibits dispensing without prescription."

22. a. In § 146.45 *Procaine penicillin in oil*, paragraph (c) **Labeling** is amended by renumbering subparagraph (2) as subparagraph (3) and by inserting the following new subparagraph (2) between subparagraph (1) and renumbered subparagraph (3):

(2) On the outside wrapper or container:

(i) The statement "Caution: Federal law prohibits dispensing without prescription," unless it is packaged for dispensing and it is intended solely for veterinary use and is conspicuously so labeled.

(ii) If it is packaged for dispensing and it is intended for use by man, a reference specifically identifying a readily available medical publication containing information (including contraindications and possible sensitization) adequate for use of such drug by practitioners licensed by law to administer it; or a reference to a brochure or other printed matter containing such information, and a statement that such brochure or other printed matter will be sent on request: *Provided, however*, That this reference may be omitted if the information is contained in a circular or other labeling within or attached to the package.

b. In § 146.45 (c) renumbered subparagraph (3) is amended to read:

(3) On the circular or other labeling within or attached to the package, if it is packaged for dispensing and it is intended solely for veterinary use and is conspicuously so labeled, adequate directions and warnings for the veterinary use of such drug by the laity. Such circular or other labeling may also bear a statement that a brochure or other printed matter containing information for other veterinary uses of such drug by a veterinarian licensed by law to administer it will be sent to such veterinarian on request.

23. Section 146.46 (c) (2) is amended to read:

§ 146.46 Crystalline penicillin for inhalation therapy. * * *

(c) **Labeling.** * * *

(2) On the outside wrapper or container:

(i) The statement "Caution: Federal law prohibits dispensing without prescription."

(ii) If it is packaged for dispensing, a reference specifically identifying a readily available medical publication containing information (including contraindications and possible sensitization) adequate for the use of such drug by practitioners licensed by law to administer it; or a reference to a brochure or other printed matter containing such information, and a statement that such brochure or other printed matter will be sent on request: *Provided, however*, That this reference may be omitted if the information is contained in a circular or other labeling within or attached to the package.

24. a. In § 146.47 *Procaine penicillin for aqueous injection*, paragraph (c)

Labeling is amended by renumbering subparagraphs (2) and (3) as subparagraphs (3) and (4), respectively, and by inserting the following new subparagraph (2) between subparagraph (1) and renumbered subparagraph (3):

(2) On the immediate container, if it is a dry mixture of the drug, the conditions under which suspensions made from such drug should be stored, and the statement "Sterile suspension may be kept at room temperature for 1 week, or in a refrigerator for 3 weeks, without significant loss of potency," unless this information is contained in a circular or other labeling within or attached to the package.

b. In § 146.47 (c) renumbered subparagraphs (3) and (4) are amended to read:

(3) On the outside wrapper or container:

(i) The statement "Caution: Federal law prohibits dispensing without prescription," unless it is packaged for dispensing and it is intended solely for veterinary use and is conspicuously so labeled.

(ii) If it is packaged for dispensing and it is intended for use by man, a reference specifically identifying a readily available medical publication containing information (including contraindications and possible sensitization) adequate for the use of such drug by practitioners licensed by law to administer it; or a reference to a brochure or other printed matter containing such information, and a statement that such brochure or other printed matter will be sent on request: *Provided, however,* That this reference may be omitted if the information is contained in a circular or other labeling within or attached to the package.

(iii) If it is the aqueous suspension of the drug, the statement "Store in refrigerator not above 15° C. (59° F.)" or "Store below 15° C. (59° F.)," unless the person who requests certification has submitted to the Commissioner results of tests and assays showing that such drug as prepared by him complies with the standards prescribed by paragraph (a) of this section after having been stored at room temperature.

(4) On the circular or other labeling within or attached to the package, if it is packaged for dispensing and it is intended solely for veterinary use and is conspicuously so labeled, adequate directions and warnings for the veterinary use of such drug by the laity. Such circular or other labeling may also bear a statement that a brochure or other printed matter containing information for other veterinary uses of such drug by a veterinarian licensed by law to administer it will be sent to such veterinarian on request.

25. In § 146.48 *Ephedrine penicillin* . . . paragraph (c) *Labeling* is amended by deleting the word "and" at the end of subparagraph (3), by changing the period at the end of subparagraph (4) to a semicolon, and adding the following new subparagraph (5):

(5) The statement "Caution: Federal law prohibits dispensing without prescription."

26. Section 146.49 (c) (2) and (3) are amended to read:

§ 146.49 *Ephedrine penicillin tablets*.

(c) *Labeling*. . . .

(2) On the outside wrapper or container:

(i) The statement "Caution: Federal law prohibits dispensing without prescription," unless it is packaged for dispensing and it is intended solely for veterinary use and is conspicuously so labeled.

(ii) If it is packaged for dispensing and it is intended for use by man, a reference specifically identifying a readily available medical publication containing information (including contraindications and possible sensitization) adequate for the use of such drug by practitioners licensed by law to administer it; or a reference to a brochure or other printed matter containing such information, and a statement that such brochure or other printed matter will be sent on request: *Provided, however,* That this reference may be omitted if the information is contained in a circular or other labeling within or attached to the package.

(3) On the circular or other labeling within or attached to the package, if it is packaged for dispensing and it is intended solely for veterinary use and is conspicuously so labeled, adequate directions and warnings for the veterinary use of such drug by the laity. Such circular or other labeling may also bear a statement that a brochure or other printed matter containing information for other veterinary uses of such drug by a veterinarian licensed by law to administer it will be sent to such veterinarian on request.

27. In § 146.50 *Procaine penicillin and buffered crystalline penicillin for aqueous injection*, change "§ 146.47 (c) (3) (iii)" in paragraph (c) to read "§ 146.47 (c) (2)."

28. Section 146.51 (c) (2) and (4) are amended to read:

§ 146.51 *Buffered penicillin powder*

(c) *Labeling*. . . .

(2) On the outside wrapper or container:

(i) The statement "Caution: Federal law prohibits dispensing without prescription," unless it is packaged for dispensing and it is intended solely for veterinary use and is conspicuously so labeled.

(ii) If it is packaged for dispensing and it is intended for use by man, a reference specifically identifying a readily available medical publication containing information (including contraindications and possible sensitization) adequate for the use of such drug by practitioners licensed by law to administer it; or a reference to a brochure or other printed matter containing such information, and a statement that such brochure or other printed matter will be sent on request: *Provided, however,* That this reference may be omitted if the information is con-

tained in a circular or other labeling within or attached to the package.

(4) On the circular or other labeling within or attached to the package, if it is packaged for dispensing and it is intended solely for veterinary use and is conspicuously so labeled, adequate directions and warnings for the veterinary use of such drug by the laity. Such circular or other labeling may also bear a statement that a brochure or other printed matter containing information for other veterinary uses of such drug by a veterinarian licensed by law to administer it will be sent to such veterinarian on request.

29. a. Section 146.58 (c) (1) is amended to read:

§ 146.58 *Penicillin and streptomycin*

(c) *Labeling*. . . .

(1) On the outside wrapper or container and the immediate container:

b. Section 146.58 (c) is further amended by renumbering subparagraph (2) as subparagraph (3) and by inserting the following new subparagraph (2) between subparagraph (1) and renumbered subparagraph (3):

(2) On the outside wrapper or container the statement "Caution: Federal law prohibits dispensing without prescription," unless it is packaged for dispensing and it is intended solely for veterinary use and is conspicuously so labeled.

c. In § 146.58 (c), renumbered subparagraph (3) is amended to read:

(3) On the circular or other labeling within or attached to the package, if it is packaged for dispensing:

(i) If it is intended for use by man, adequate directions and warnings for its use by practitioners licensed by law to administer such drug.

(ii) If it is intended solely for veterinary use and is conspicuously so labeled, adequate directions and warnings for the veterinary use of such drug by the laity. Such circular or other labeling may also bear a statement that a brochure or other printed matter containing information for other veterinary uses of such drug by a veterinarian licensed by law to administer it will be sent to such veterinarian on request.

30. Section 146.59 (c) (2) is amended to read:

§ 146.59 *Penicillin tooth powder*

(c) *Labeling*. . . .

(2) On the outside wrapper or container:

(i) The statement "Caution: Federal law prohibits dispensing without prescription."

(ii) A reference specifically identifying a readily available medical publication containing information (including contraindications and possible sensitization) adequate for the use of such drug by practitioners licensed by law to administer it; or a reference to a brochure or other printed matter containing such

information, and a statement that such brochure or other printed matter will be sent on request: *Provided, however, That this reference may be omitted if the information is contained in a circular or other labeling within or attached to the package.*

31. a. In § 146.63 *Crystalline penicillin and bacitracin*, paragraph (c) *Labeling* is amended by renumbering subparagraph (2) as subparagraph (3) and by inserting the following new subparagraph (2) between subparagraph (1) and renumbered subparagraph (3):

(2) On the outside wrapper or container the statement "Caution: Federal law prohibits dispensing without prescription."

b. In § 146.63, renumbered subparagraph (3) is amended to read:

(3) On the circular or other labeling within or attached to the package, if it is packaged for dispensing:

(i) Adequate directions and warnings for its use by practitioners licensed by law to administer such drug.

(ii) The conditions under which such solution should be stored, including a reference to their instability when stored under other conditions, and the statement "Sterile solution may be kept in refrigerator for 3 days without significant loss of potency."

32. In § 146.64 *l-Ephenamine penicillin G*, paragraph (c) *Labeling* is amended by deleting the word "and" at the end of subparagraph (3), by changing the period at the end of subparagraph (4) to a semicolon, and adding the following new subparagraph (5):

(5) The statement "Caution: Federal law prohibits dispensing without prescription."

33. a. In § 146.65 *l-Ephenamine penicillin G in oil*, paragraph (c) *Labeling* is amended by renumbering subparagraph (2) as subparagraph (3) and by inserting the following new subparagraph (2) between subparagraph (1) and renumbered subparagraph (3):

(2) On the outside wrapper or container, the statement "Caution: Federal law prohibits dispensing without prescription," unless it is packaged for dispensing and it is intended solely for veterinary use and is conspicuously so labeled.

b. In § 146.65 (c), renumbered subparagraph (3) is amended to read:

(3) On the circular or other labeling within or attached to the package, if it is packaged for dispensing:

(i) If it is intended for use by man, adequate directions and warnings for its use by practitioners licensed by law to administer such drug.

(ii) If it is intended solely for veterinary use and is conspicuously so labeled, adequate directions and warnings for the veterinary use of such drug by the laity. Such circular or other labeling may also bear a statement that a brochure or other printed matter containing information for other veterinary uses of such drug by a veterinarian licensed by law to ad-

minister it will be sent to such veterinarian on request.

34. Section 146.66 (c) (2) and (3) are amended to read:

§ 146.66 *l-Ephenamine penicillin G for aqueous injection* . . .

(c) *Labeling*. . . .
(2) On the outside wrapper or container:

(i) The statement "Caution: Federal law prohibits dispensing without prescription," unless it is packaged for dispensing and it is intended solely for veterinary use and is conspicuously so labeled.

(ii) If it is the aqueous suspension of the drug, the statement "Store in refrigerator not above 15° C. (59° F.)" or "Store below 15° C. (59° F.)," unless the person who requests certification has submitted to the Commissioner results of tests and assays showing that such drug as prepared by him complies with the standards prescribed by paragraph (a) of this section after having been stored at room temperature.

(3) On the circular or other labeling within or attached to the package, if it is packaged for dispensing:

(i) If it is intended for use by man, adequate directions and warnings for its use by practitioners licensed by law to administer such drug.

(ii) If it is intended solely for veterinary use and is conspicuously so labeled, adequate directions and warnings for the veterinary use of such drug by the laity. Such circular or other labeling may also bear a statement that a brochure or other printed matter containing information for other veterinary uses of such drug by a veterinarian licensed by law to administer it will be sent to such veterinarian on request.

(iii) If it is the dry mixture of the drug, the conditions under which suspensions made from such drug should be stored, and the statement "Sterile suspension may be kept at room temperature for 1 week, or in refrigerator for 3 weeks, without significant loss of potency."

35. Section 146.67 (c) (1), (2), and (3) are amended to read:

§ 146.67 *Procaine penicillin in streptomycin sulfate solution* . . .

(c) *Labeling*. . . .
(1) On the outside wrapper or container and the immediate container:

(2) On the outside wrapper or container:

(i) The statement "Store in refrigerator not above 15° C. (59° F.)" or "Store below 15° C. (59° F.)."

(ii) The statement "Caution: Federal law prohibits dispensing without prescription," unless it is packaged for dispensing and it is intended solely for veterinary use and is conspicuously so labeled.

(3) On the circular or other labeling within or attached to the package, if it is packaged for dispensing:

(i) If it is intended for use by man, adequate directions and warnings for its use by practitioners licensed by law to administer such drug.

(ii) If it is intended solely for veterinary use and is conspicuously so labeled, adequate directions and warnings for the veterinary use of such drug by the laity. Such circular or other labeling may also bear a statement that a brochure or other printed matter containing information for other veterinary uses of such drug by a veterinarian licensed by law to administer it will be sent to such veterinarian on request.

36. Section 146.68 is amended by correcting the headline to read as follows and by adding the following new subparagraph (5) to paragraph (c):

§ 146.68 *Dibenzylethylenediamine dipenicillin G (dibenzylethylenediamine dipenicillin G salt)* . . .

(c) *Labeling*. . . .
(5) The statement "Caution: Federal law prohibits dispensing without prescription."

37. Section 146.69 (c) (2) and (4) are amended to read:

§ 146.69 *Dibenzylethylenediamine dipenicillin G oral suspension* . . .

(c) *Labeling*. . . .
(2) On the outside wrapper or container:

(i) The statement "Caution: Federal law prohibits dispensing without prescription," unless it is packaged for dispensing and it is intended solely for veterinary use and is conspicuously so labeled.

(ii) If it is packaged for dispensing and it is intended for use by man, a reference specifically identifying a readily available medical publication containing information (including contraindications and possible sensitization) adequate for the use of such drug by practitioners licensed by law to administer it; or a reference to a brochure or other printed matter containing such information, and a statement that such brochure or other printed matter will be sent on request: *Provided, however, That this reference may be omitted if the information is contained in a circular or other labeling within or attached to the package.*

(4) On the circular or other labeling within or attached to the package, if it is packaged for dispensing and it is intended solely for veterinary use and is conspicuously so labeled, adequate directions and warnings for the veterinary use of such drug by the laity. Such circular or other labeling may also bear a statement that a brochure or other printed matter containing information for other veterinary uses of such drug by a veterinarian licensed by law to administer it will be sent to such veterinarian on request.

38. Section 146.75 (c) (3) is amended to read:

§ 146.75 *Diethylaminoethyl ester penicillin G hydriodide for aqueous injection* . . .

(c) *Labeling*. . . .

(3) On the circular or other labeling within or attached to the package, if it is packaged for dispensing:

(i) If it is intended for use by man, adequate directions and warnings for its

use by practitioners licensed by law to administer such drug.

(ii) If it is intended solely for veterinary use and is conspicuously so labeled, adequate directions and warnings for the veterinary use of such drug by the laity. Such circular or other labeling may also bear a statement that a brochure or other printed matter containing information for other veterinary uses of such drug by a veterinarian licensed by law to administer it will be sent to such veterinarian on request.

(iii) The conditions under which suspensions of the drug may be stored, and the statement "Sterile suspension may be kept at room temperature for 7 days, or in refrigerator for 3 weeks, without significant loss of potency."

39. Section 146.76 (c) (1) and (2) are amended to read:

§ 146.76 Penicillin-streptomycin implantation pellets * * *

(c) **Labeling.** * * *

(1) On the outside wrapper or container and the immediate container:

(2) On the circular or other labeling within or attached to the package, if it is packaged for dispensing, adequate directions and warnings for the veterinary use of such drug by the laity. Such circular or other labeling may also bear a statement that a brochure or other printed matter containing information for other veterinary uses of such drug by a veterinarian licensed by law to administer it will be sent to such veterinarian on request.

40. Section 146.77 (c) (3) is amended to read:

§ 146.77 Dibenzylethylenediamine di-penicillin G for aqueous injection * * *

(c) **Labeling.** * * *

(3) On the circular or other labeling within or attached to the package, if it is packaged for dispensing:

(i) If it is intended for use by man, adequate directions and warnings for its use by practitioners licensed by law to administer such drug.

(ii) If it is intended solely for veterinary use and is conspicuously so labeled, adequate directions and warnings for the veterinary use of such drug by the laity. Such circular or other labeling may also bear a statement that a brochure or other printed matter containing information for other veterinary uses of such drug by a veterinarian licensed by law to administer it will be sent to such veterinarian on request.

(iii) If it is the dry mixture of the drug, the conditions under which suspensions made from such drug should be stored, and the statement "Sterile suspension may be kept at room temperature for 1 week, or in refrigerator for 3 weeks, without significant loss of potency."

41. Section 146.80 (c) (3) is amended to read:

§ 146.80 Chloroprocaine penicillin O for aqueous injection. * * *

(c) **Labeling.** * * *

(3) On the circular or other labeling within or attached to the package, if it is packaged for dispensing:

(i) If it is intended for use by man, adequate directions and warnings for its use by practitioners licensed by law to administer such drug.

(ii) If it is intended solely for veterinary use and is conspicuously so labeled, adequate directions and warnings for the veterinary use of such drug by the laity. Such circular or other labeling may also bear a statement that a brochure or other printed matter containing information for other veterinary uses of such drug by a veterinarian licensed by law to administer it will be sent to such veterinarian on request.

(iii) The conditions under which suspensions made from such drug should be stored, and the statement "Sterile suspension may be kept at room temperature for 1 week, or in refrigerator for 3 weeks, without significant loss of potency."

42. a. In § 146.101 *Streptomycin sulfate* * * *, paragraph (c) **Labeling** is amended by renumbering subparagraph (2) as subparagraph (3) and by inserting the following new subparagraph (2) between subparagraph (1) and renumbered subparagraph (3):

(2) On the outside wrapper or container, the statement "Caution: Federal law prohibits dispensing without prescription," unless it is packaged for dispensing and it is intended solely for veterinary use and is conspicuously so labeled.

b. In § 146.101, renumbered subparagraph (3) is amended to read:

(3) On the circular or other labeling within or attached to the package, if it is packaged for dispensing:

(i) If it is intended for use by man, adequate directions and warnings for its use by practitioners licensed by law to administer such drug.

(ii) If it is intended solely for veterinary use and is conspicuously so labeled, adequate directions and warnings for the veterinary use of such drug by the laity. Such circular or other labeling may also bear a statement that a brochure or other printed matter containing information for other veterinary uses of such drug by a veterinarian licensed by law to administer it will be sent to such veterinarian on request.

(iii) The conditions under which such solutions should be stored, including the statement "Sterile solution may be stored at room temperature for 1 week without significant loss of potency."

43. Section 146.102 (c) (2) and (3) are amended to read:

§ 146.102 Streptomycin ointment * * *

(c) **Labeling.** * * *

(2) On the outside wrapper or container:

(i) The statement "Caution: Federal law prohibits dispensing without prescription," unless it is packaged for dispensing and it is intended solely for veterinary use and is conspicuously so labeled.

(ii) If it is packaged for dispensing and it is intended for use by man, a reference specifically identifying a readily available medical publication containing

information (including contraindications and possible sensitization) adequate for the use of such drug by practitioners licensed by law to administer it; or a reference to a brochure or other printed matter containing such information, and a statement that such brochure or other printed matter will be sent on request: *Provided, however,* That this reference may be omitted if the information is contained in a circular or other labeling within or attached to the package.

(3) On the circular or other labeling within or attached to the package, if it is packaged for dispensing and it is intended solely for veterinary use and is conspicuously so labeled, adequate directions and warnings for the veterinary use of such drug by the laity. Such circular or other labeling may also bear a statement that a brochure or other printed matter containing information for other veterinary uses of such drug by a veterinarian licensed by law to administer it will be sent to such veterinarian on request.

44. Section 146.104 (c) (2) and (4) are amended to read:

§ 146.104 Streptomycin tablets * * *

(c) **Labeling.** * * *

(2) On the outside wrapper or container:

(i) The statement "Caution: Federal law prohibits dispensing without prescription," unless it is packaged for dispensing and it is intended solely for veterinary use and is conspicuously so labeled.

(ii) If it is packaged for dispensing and it is intended for use by man, a reference specifically identifying a readily available medical publication containing information (including contraindications and possible sensitization) adequate for the use of such drug by practitioners licensed by law to administer it; or a reference to a brochure or other printed matter containing such information, and a statement that such brochure or other printed matter will be sent on request: *Provided, however,* That this reference may be omitted if the information is contained in a circular or other labeling within or attached to the package.

(4) On the circular or other labeling within or attached to the package, if it is packaged for dispensing and it is intended solely for veterinary use and is conspicuously so labeled, adequate directions and warnings for the veterinary use of such drug by the laity. Such circular or other labeling may also bear a statement that a brochure or other printed matter containing information for other veterinary uses of such drug by a veterinarian licensed by law to administer it will be sent to such veterinarian on request.

45. Section 146.105 (c) (3) and (4) are amended to read:

§ 146.105 Streptomycin for topical use * * *

(c) **Labeling.** * * *

(3) On the outside wrapper or container:

(i) The statement "Caution: Federal law prohibits dispensing without pre-

scription," unless it is packaged for dispensing and it is intended solely for veterinary use and is conspicuously so labeled.

(ii) If it is packaged for dispensing and it is intended for use by man, a reference specifically identifying a readily available medical publication containing information (including contraindications and possible sensitization) adequate for the use of such drug by practitioners licensed by law to administer it; or a reference to a brochure or other printed matter containing such information, and a statement that such brochure or other printed matter will be sent on request: *Provided, however, That this reference may be omitted if the information is contained in a circular or other labeling within or attached to the package.*

(4) On the circular or other labeling within or attached to the package, if it is packaged for dispensing and it is intended solely for veterinary use and is conspicuously so labeled, adequate directions and warnings for the veterinary use of such drug by the laity. Such circular or other labeling may also bear a statement that a brochure or other printed matter containing information for other veterinary uses of such drug by a veterinarian licensed by law to administer it will be sent to such veterinarian on request.

46. Section 146.106 (c) (2) and (3) are amended to read:

§ 146.106 *Streptomycin sulfate solution* * * *

(c) *Labeling.* * * *

(2) On the outside wrapper or container:

(i) The statement "Store in refrigerator not above 15° C. (59° F.)" or "Store below 15° C. (59° F.)" unless the person who requests certification has submitted to the Commissioner results of tests and assays showing that such drug as prepared by him complies with the standards prescribed by paragraph (a) of this section after having been stored at room temperature.

(ii) The statement "Caution: Federal law prohibits dispensing without prescription," unless it is packaged for dispensing and it is intended solely for veterinary use and is conspicuously so labeled.

(3) On the circular or other labeling within or attached to the package, if it is packaged for dispensing:

(i) If it is intended for use by man, adequate directions and warnings for its use by practitioners licensed by law to administer such drug.

(ii) If it is intended solely for veterinary use and is conspicuously so labeled, adequate directions and warnings for the veterinary use of such drug by the laity. Such circular or other labeling may also bear a statement that a brochure or other printed matter containing information for other veterinary uses of such drug by a veterinarian licensed by law to administer it will be sent to such veterinarian on request.

47. Section 146.107 (c) (2) and (3) are amended to read:

§ 146.107 *Streptomycin-polymyxin-bacitracin tablets.* * * *

(c) *Labeling.* * * *

(2) On the outside wrapper or container:

(i) The statement "Caution: Federal law prohibits dispensing without prescription," unless it is packaged for dispensing and it is intended solely for veterinary use and is conspicuously so labeled.

(ii) If it is packaged for dispensing and it is intended for use by man, a reference specifically identifying a readily available medical publication containing information (including contraindications and possible sensitization) adequate for the use of such drug by practitioners licensed by law to administer it; or a reference to a brochure or other printed matter containing such information, and a statement that such brochure or other printed matter will be sent on request: *Provided, however, That this reference may be omitted if the information is contained in a circular or other labeling within or attached to the package.*

(3) On the circular or other labeling within or attached to the package, if it is packaged for dispensing and it is intended solely for veterinary use and is conspicuously so labeled, adequate directions and warnings for the veterinary use of such drug by the laity. Such circular or other labeling may also bear a statement that a brochure or other printed matter containing information for other veterinary uses of such drug by a veterinarian licensed by law to administer it will be sent to such veterinarian on request.

48. Section 146.108 (c) (2) and (3) are amended to read:

§ 146.108 *Streptomycin syrup.* * * *

(c) *Labeling.* * * *

(2) On the outside wrapper or container:

(i) The statement "Caution: Federal law prohibits dispensing without prescription," unless it is packaged for dispensing and it is intended solely for veterinary use and is conspicuously so labeled.

(ii) If it is packaged for dispensing and it is intended for use by man, a reference specifically identifying a readily available medical publication containing information (including contraindications and possible sensitization) adequate for the use of such drug by practitioners licensed by law to administer it; or a reference to a brochure or other printed matter containing such information, and a statement that such brochure or other printed matter will be sent on request: *Provided, however, That this reference may be omitted if the information is contained in a circular or other labeling within or attached to the package.*

(3) On the circular or other labeling within or attached to the package, if it is packaged for dispensing and it is intended solely for veterinary use and is conspicuously so labeled, adequate directions and warnings for the veterinary use of such drug by the laity. Such circular or other labeling may also bear a statement that a brochure or other printed matter containing information for other veterinary uses of such drug

by a veterinarian licensed by law to administer it will be sent to such veterinarian on request.

49. a. Section 146.110 (c) (2) is amended to read:

§ 146.110 *Streptomycin otic with antifungal agent* * * *

(c) *Labeling.* * * *

(2) On the outside wrapper or container:

(i) The statement "Caution: Federal law prohibits dispensing without prescription," unless it is packaged for dispensing and it is intended solely for veterinary use and is conspicuously so labeled.

(ii) If it is packaged for dispensing and it is intended for use by man, a reference specifically identifying a readily available medical publication containing information (including contraindications and possible sensitization) adequate for the use of such drug by practitioners licensed by law to administer it; or a reference to a brochure or other printed matter containing such information, and a statement that such brochure or other printed matter will be sent on request: *Provided, however, That this reference may be omitted if the information is contained in a circular or other labeling within or attached to the package.*

b. Section 146.110 (c) is further amended by adding the following new subparagraph (3):

(3) On the circular or other labeling within or attached to the package, if it is packaged for dispensing and it is intended solely for veterinary use and is conspicuously so labeled, adequate directions and warnings for the veterinary use of such drug by the laity.

50. a. In § 146.201 *Aureomycin hydrochloride* * * *, paragraph (c) *Labeling* is amended by renumbering subparagraph (2) as subparagraph (3), and by inserting the following new subparagraph (2) between subparagraph (1) and renumbered subparagraph (3):

(2) On the outside wrapper or container, the statement "Caution: Federal law prohibits dispensing without prescription," unless it is packaged for dispensing and it is intended solely for veterinary use and is conspicuously so labeled.

b. In § 146.201 (c), renumbered subparagraph (3) is amended to read:

(3) On the circular or other labeling within or attached to the package, if it is packaged for dispensing:

(i) If it is intended for use by man, adequate directions and warnings for its use by practitioners licensed by law to administer such drug.

(ii) If it is intended solely for veterinary use and is conspicuously so labeled, adequate directions and warnings for the veterinary use of such drug by the laity. Such circular or other labeling may also bear a statement that a brochure or other printed matter containing information for other veterinary uses of such drug by a veterinarian licensed by law to administer it will be sent to such veterinarian on request.

(iii) The conditions under which such solutions should be stored, including a reference to their instability when stored under other conditions, and a statement "Sterile solutions must be injected immediately after preparation."

51. Section 146.203 (c) (2) is amended to read:

§ 146.203 Aureomycin troches * * *

(c) Labeling. * * *

(2) On the outside wrapper or container:

(i) The statement "Caution: Federal law prohibits dispensing without prescription."

(ii) If it is packaged for dispensing, a reference specifically identifying a readily available medical publication containing information (including contraindications and possible sensitization) adequate for the use of such drug by practitioners licensed by law to administer it; or a reference to a brochure or other printed matter containing such information, and a statement that such brochure or other printed matter will be sent on request: *Provided, however*, That this reference may be omitted if the information is contained in a circular or other labeling within or attached to the package.

52. Section 146.204 (c) (2) and (3) are amended to read:

§ 146.204 Aureomycin capsules * * *

(c) Labeling. * * *

(2) On the outside wrapper or container:

(i) The statement: "Caution: Federal law prohibits dispensing without prescription," unless it is packaged for dispensing and it is intended solely for veterinary use and is conspicuously so labeled.

(ii) If it is packaged for dispensing and it is intended for use by man, a reference specifically identifying a readily available medical publication containing information (including contraindications and possible sensitization) adequate for the use of such drug by practitioners licensed by law to administer it; or a reference to a brochure or other printed matter containing such information, and a statement that such brochure or other printed matter will be sent on request: *Provided, however*, That this reference may be omitted if the information is contained in a circular or other labeling within or attached to the package.

(3) On a circular or other labeling within or attached to the package, if it is packaged for dispensing and it is intended solely for veterinary use and is conspicuously so labeled, adequate directions and warnings for the veterinary use of such drug by the laity. Such circular or other labeling may also bear a statement that a brochure or other printed matter containing information for other veterinary uses of such drug by a veterinarian licensed by law to administer it will be sent to such veterinarian on request.

53. Section 146.205 (c) (2) and (3) are amended to read:

§ 146.205 Aureomycin powder * * *

(c) Labeling. * * *

(2) On the outside wrapper or container:

(i) The statement "Caution: Federal law prohibits dispensing without prescription," unless it is packaged for dispensing and it is intended solely for veterinary use and is conspicuously so labeled.

(ii) If it is packaged for dispensing and it is intended for use by man, a reference specifically identifying a readily available medical publication containing information (including contraindications and possible sensitization) adequate for the use of such drug by practitioners licensed by law to administer it; or a reference to a brochure or other printed matter containing such information, and a statement that such brochure or other printed matter will be sent on request: *Provided, however*, That this reference may be omitted if the information is contained in a circular or other labeling within or attached to the package.

(3) On the circular or other labeling within or attached to the package, if it is packaged for dispensing and it is intended solely for veterinary use and is conspicuously so labeled, adequate directions and warnings for the veterinary use of such drug by the laity. Such circular or other labeling may also bear a statement that a brochure or other printed matter containing information for other veterinary uses of such drug by a veterinarian licensed by law to administer it will be sent to such veterinarian on request.

54. Section 146.206 (c) (2) and (3) are amended to read:

§ 146.206 Aureomycin ophthalmic * * *

(c) Labeling. * * *

(2) On the outside wrapper or container:

(i) The statement "Caution: Federal law prohibits dispensing without prescription," unless it is packaged for dispensing and it is intended solely for veterinary use and is conspicuously so labeled.

(ii) If it is packaged for dispensing and it is intended for use by man, a reference specifically identifying a readily available medical publication containing information (including contraindications and possible sensitization) adequate for the use of such drug by practitioners licensed by law to administer it; or a reference to a brochure or other printed matter containing such information, and a statement that such brochure or other printed matter will be sent on request: *Provided, however*, That this reference may be omitted if the information is contained in a circular or other labeling within or attached to the package.

(3) On the circular or other labeling within or attached to the package, if it is packaged for dispensing and it is intended solely for veterinary use and is conspicuously so labeled, adequate directions and warnings for the veterinary use of such drug by the laity.

55. a. Section 146.208 (c) (3) (Is) amended to read:

§ 146.208 Aureomycin otic * * *

(c) Labeling. * * *

(3) On the outside wrapper or container:

(i) The statement "Caution: Federal law prohibits dispensing without prescription," unless it is packaged for dispensing and it is intended solely for veterinary use and is conspicuously so labeled.

(ii) If it is packaged for dispensing and it is intended for use by man, a reference specifically identifying a readily available medical publication containing information (including contraindications and possible sensitization) adequate for the use of such drug by practitioners licensed by law to administer it; or a reference to a brochure or other printed matter containing such information, and a statement that such brochure or other printed matter will be sent on request: *Provided, however*, That this reference may be omitted if the information is contained in a circular or other labeling within or attached to the package.

b. Section 146.208 (c) is further amended by adding the following new subparagraph (4):

(4) On the circular or other labeling within or attached to the package, if it is packaged for dispensing and it is intended solely for veterinary use and is conspicuously so labeled, adequate directions and warnings for the veterinary use of such drug by the laity.

56. Section 146.211 (c) (2) and (3) are amended to read:

§ 146.211 Aureomycin surgical powder * * *

(c) Labeling. * * *

(2) On the outside wrapper or container:

(i) The statement "Caution: Federal law prohibits dispensing without prescription," unless it is packaged for dispensing and it is intended solely for veterinary use and is conspicuously so labeled.

(ii) If it is packaged for dispensing and it is intended for use by man, a reference specifically identifying a readily available medical publication containing information (including contraindications and possible sensitization) adequate for the use of such drug by practitioners licensed by law to administer it; or a reference to a brochure or other printed matter containing such information, and a statement that such brochure or other printed matter will be sent on request: *Provided, however*, That this reference may be omitted if the information is contained in a circular or other labeling within or attached to the package.

(3) On the circular or other labeling within or attached to the package, if it is packaged for dispensing and it is intended solely for veterinary use and is conspicuously so labeled, adequate directions and warnings for the veterinary use of such drug by the laity. Such circular or other labeling may also bear a statement that a brochure or other printed matter containing information for other veterinary uses of such drug by a veterinarian licensed by law

to administer it will be sent to such veterinarian on request.

57. Section 146.212 (c) (2) and (3) are amended to read:

§ 146.212 Aureomycin suppositories. * * *

(c) *Labeling.* * * *
(2) On the outside wrapper or container:

(i) The statement "Caution: Federal law prohibits dispensing without prescription," unless it is packaged for dispensing and it is intended solely for veterinary use and is conspicuously so labeled.

(ii) If it is packaged for dispensing and it is intended for use by man, a reference specifically identifying a readily available medical publication containing information (including contraindications and possible sensitization) adequate for the use of such drug by practitioners licensed by law to administer it; or a reference to a brochure or other printed matter containing such information, and a statement that such brochure or other printed matter will be sent on request: *Provided, however,* That this reference may be omitted if the information is contained in a circular or other labeling within or attached to the package.

(3) On the circular or other labeling within or attached to the package, if it is packaged for dispensing and it is intended solely for veterinary use and is conspicuously so labeled, adequate directions and warnings for the veterinary use of such drug by the laity. Such circular or other labeling may also bear a statement that a brochure or other printed matter containing information for other veterinary uses of such drug by a veterinarian licensed by law to administer it will be sent to such veterinarian on request.

58. Section 146.213 (c) (3) and (4) are amended to read:

§ 146.213 Aureomycin gauze packing * * *

(c) *Labeling.* * * *
(3) On the outside wrapper or container:

(i) The statement "Caution: Federal law prohibits dispensing without prescription," unless it is packaged for dispensing and it is intended solely for veterinary use and is conspicuously so labeled.

(ii) If it is packaged for dispensing and it is intended for use by man, a reference specifically identifying a readily available medical publication containing information (including contraindications and possible sensitization) adequate for the use of such drug by practitioners licensed by law to administer it; or a reference to a brochure or other printed matter containing such information, and a statement that such brochure or other printed matter will be sent on request: *Provided, however,* That this reference may be omitted if the information is contained in a circular or other labeling within or attached to the package.

(4) On the circular or other labeling within or attached to the package, if it is packaged for dispensing and it is intended solely for veterinary use and is

conspicuously so labeled, adequate directions and warnings for the veterinary use of such drug by the laity.

59. Section 146.214 (c) (3) and (4) are amended to read:

§ 146.214 Aureomycin dressing * * *

(c) *Labeling.* * * *
(3) On the outside wrapper or container:

(i) The statement "Caution: Federal law prohibits dispensing without prescription," unless it is packaged for dispensing and it is intended solely for veterinary use and is conspicuously so labeled.

(ii) If it is packaged for dispensing and it is intended for use by man, a reference specifically identifying a readily available medical publication containing information (including contraindications and possible sensitization) adequate for the use of such drug by practitioners licensed by law to administer it; or a reference to a brochure or other printed matter containing such information, and a statement that such brochure or other printed matter will be sent on request: *Provided, however,* That this reference may be omitted if the information is contained in a circular or other labeling within or attached to the package.

(4) On the circular or other labeling within or attached to the package, if it is packaged for dispensing and it is intended solely for veterinary use and is conspicuously so labeled, adequate directions and warnings for the veterinary use of such drug by the laity.

60. Section 146.215 (c) (4) and (5) are amended to read:

§ 146.215 Aureomycin with vasoconstrictor * * *

(c) *Labeling.* * * *
(4) On the outside wrapper or container:

(i) The statement "Caution: Federal law prohibits dispensing without prescription," unless it is packaged for dispensing and it is intended solely for veterinary use and is conspicuously so labeled.

(ii) If it is packaged for dispensing and it is intended for use by man, a reference specifically identifying a readily available medical publication containing information (including contraindications and possible sensitization) adequate for the use of such drug by practitioners licensed by law to administer it; or a reference to a brochure or other printed matter containing such information, and a statement that such brochure or other printed matter will be sent on request: *Provided, however,* That this reference may be omitted if the information is contained in a circular or other labeling within or attached to the package.

(5) On the circular or other labeling within or attached to the package, if it is packaged for dispensing and it is intended solely for veterinary use and is conspicuously so labeled, adequate directions and warnings for the veterinary use of such drug by the laity. Such circular or other labeling may also bear a statement that a brochure or other printed matter containing information for other veterinary uses of such drug by a veterinarian licensed by law to admin-

ister it will be sent to such veterinarian on request.

61. Section 146.216 (c) (2) is amended to read:

§ 146.216 Aureomycin therapeutic formula for animal feed * * *

(c) *Labeling.* * * *
(2) On the circular or other labeling

within or attached to the package, adequate directions and warnings for the use of such drug by the laity. Such circular or other labeling may also bear a statement that a brochure or other printed matter containing information for other veterinary uses of such drug by a veterinarian licensed by law to administer it will be sent to such veterinarian on request.

62. a. In § 146.301 *Chloramphenicol*, paragraph (c) *Labeling* is amended by renumbering subparagraph (2) as subparagraph (3) and by inserting the following new subparagraph (2) between subparagraph (1) and renumbered subparagraph (3):

(2) On the outside wrapper or container, the statement "Caution: Federal law prohibits dispensing without prescription," unless it is packaged for dispensing and it is intended solely for veterinary use and is conspicuously so labeled.

b. In § 146.301 renumbered subparagraph (3) is amended to read:

(3) On the circular or other labeling within or attached to the package, if it is packaged for dispensing:

(i) If it is intended for use by man, adequate directions and warnings for its use by practitioners licensed by law to administer such drug.

(ii) If it is intended solely for veterinary use and is conspicuously so labeled, adequate directions and warnings for the veterinary use of such drug by the laity. Such circular or other labeling may also bear a statement that a brochure or other printed matter containing information for other veterinary uses of such drug by a veterinarian licensed by law to administer it will be sent to such veterinarian on request.

63. Section 146.302 (c) (2) and (3) are amended to read:

§ 146.302 Chloramphenicol capsules. * * *

(c) *Labeling.* * * *
(2) On the outside wrapper or container:

(i) The statement "Caution: Federal law prohibits dispensing without prescription," unless it is packaged for dispensing and it is intended solely for veterinary use and is conspicuously so labeled.

(ii) If it is packaged for dispensing and it is intended for use by man, a reference specifically identifying a readily available medical publication containing information (including contraindications and possible sensitization) adequate for the use of such drug by practitioners licensed by law to administer it; or a reference to a brochure or other printed matter containing such information, and a statement that such brochure or other printed matter will be sent on request:

Provided, however, That this reference may be omitted if the information is contained in a circular or other labeling within or attached to the package.

(3) On the circular or other labeling within or attached to the package, if it is packaged for dispensing and it is intended solely for veterinary use and is conspicuously so labeled, adequate directions and warnings for the veterinary use of such drug by the laity. Such circular or other labeling may also bear a statement that a brochure or other printed matter containing information for other veterinary uses of such drug by a veterinarian licensed by law to administer it will be sent to such veterinarian on request.

64. Section 146.303 (c) (2) and (3) are amended to read:

§ 146.303 Chloramphenicol ointment

(c) Labeling.

(2) On the outside wrapper or container:

(i) The statement "Caution: Federal law prohibits dispensing without prescription," unless it is packaged for dispensing and it is intended solely for veterinary use and is conspicuously so labeled.

(ii) If it is packaged for dispensing and it is intended for use by man, a reference specifically identifying a readily available medical publication containing information (including contraindications and possible sensitization) adequate for the use of such drug by practitioners licensed by law to administer it; or a reference to a brochure or other printed matter containing such information, and a statement that such brochure or other printed matter will be sent on request: *Provided, however, That this reference may be omitted if the information is contained in a circular or other labeling within or attached to the package.*

(3) On the circular or other labeling within or attached to the package, if it is packaged for dispensing and it is intended solely for veterinary use and is conspicuously so labeled, adequate directions and warnings for the veterinary use of such drug by the laity. Such circular or other labeling may also bear a statement that a brochure or other printed matter containing information for other veterinary uses of such drug by a veterinarian licensed by law to administer it will be sent to such veterinarian on request.

65. Section 146.304 (c) (2) and (3) are amended to read:

§ 146.304 Chloramphenicol ophthalmic.

(c) Labeling.

(2) On the outside wrapper or container:

(i) The statement "Caution: Federal law prohibits dispensing without prescription," unless it is packaged for dispensing and it is intended solely for veterinary use and is conspicuously so labeled.

(ii) If it is packaged for dispensing and it is intended for use by man, a reference specifically identifying a readily available medical publication containing information (including contra-

indications and possible sensitization) adequate for the use of such drug by practitioners licensed by law to administer it; or a reference to a brochure or other printed matter containing such information, and a statement that such brochure or other printed matter will be sent on request: *Provided, however, That this reference may be omitted if the information is contained in a circular or other labeling within or attached to the package.*

(3) On the circular or other labeling within or attached to the package, if it is packaged for dispensing and it is intended solely for veterinary use and is conspicuously so labeled, adequate directions and warnings for the veterinary use of such drug by the laity. Such circular or other labeling may also bear a statement that a brochure or other printed matter containing information for other veterinary uses of such drug by a veterinarian licensed by law to administer it will be sent to such veterinarian on request.

66. Section 146.305 (c) is amended by adding the following new subparagraph (5):

§ 146.305 Chloramphenicol palmitate.

(c) Labeling.

(5) The statement "Caution: Federal law prohibits dispensing without prescription."

67. Section 146.306 (c) (2) and (3) are amended to read:

§ 146.306 Chloramphenicol palmitate oral suspension.

(c) Labeling.

(2) On the outside wrapper or container:

(i) The statement "Caution: Federal law prohibits dispensing without prescription," unless it is packaged for dispensing and it is intended solely for veterinary use and is conspicuously so labeled.

(ii) If it is packaged for dispensing and it is intended for use by man, a reference specifically identifying a readily available medical publication containing information (including contraindications and possible sensitization) adequate for the use of such drug by practitioners licensed by law to administer it; or a reference to a brochure or other printed matter containing such information, and a statement that such brochure or other printed matter will be sent on request: *Provided, however, That this reference may be omitted if the information is contained in a circular or other labeling within or attached to the package.*

(3) On the circular or other labeling within or attached to the package, if it is packaged for dispensing and it is intended solely for veterinary use and is conspicuously so labeled, adequate directions and warnings for the veterinary use of such drug by the laity. Such circular or other labeling may also bear a statement that a brochure or other printed matter containing information for other veterinary uses of such drug by a veterinarian licensed by law to administer it will be sent to such veterinarian on request.

68. a. In § 146.307 Chloramphenicol solution, paragraph (c) Labeling is amended by renumbering subparagraph (2) as subparagraph (3) and by inserting the following new subparagraph (2) between subparagraph (1) and renumbered subparagraph (3):

(2) On the outside wrapper or container, the statement "Caution: Federal law prohibits dispensing without prescription," unless it is packaged for dispensing and it is intended solely for veterinary use and is conspicuously so labeled.

b. In § 146.307, renumbered subparagraph (3) is amended to read:

(3) On the circular or other labeling within or attached to the package, if it is packaged for dispensing:

(i) If it is intended for use by man, adequate directions and warnings for its use by practitioners licensed by law to administer such drug.

(ii) If it is intended solely for veterinary use and is conspicuously so labeled, adequate directions and warnings for the veterinary use of such drug by the laity. Such circular or other labeling may also bear a statement that a brochure or other printed matter containing information for other veterinary uses of such drug by a veterinarian licensed by law to administer it will be sent to such veterinarian on request.

69. Section 146.401 (c) (3) is amended to read:

§ 146.401 Bacitracin.

(c) Labeling.

(3) On the circular or other labeling within or attached to the package, if it is packaged for dispensing, adequate directions and warnings for its use by practitioners licensed by law to administer such drug; the conditions under which such solutions should be stored, including a reference to their instability when stored under other conditions; and the statement "Sterile solution may be kept in refrigerator for 1 week without significant loss of potency."

70. Section 146.403 (c) (2) and (3) are amended to read:

§ 146.403 Bacitracin tablets.

(c) Labeling.

(2) On the outside wrapper or container:

(i) The statement "Caution: Federal law prohibits dispensing without prescription," unless it is packaged for dispensing and it is intended solely for veterinary use and is conspicuously so labeled.

(ii) If it is packaged for dispensing and it is intended for use by man, a reference specifically identifying a readily available medical publication containing information (including contraindications and possible sensitization) adequate for the use of such drug by practitioners licensed by law to administer it; or a reference to a brochure or other printed matter containing such information, and a statement that such brochure or other printed matter will be sent on request: *Provided, however, That this reference may be omitted if the information is contained in a circular or other labeling within or attached to the package.*

(3) On the circular or other labeling within or attached to the package, if it is packaged for dispensing and it is intended solely for veterinary use and is conspicuously so labeled, adequate directions and warnings for the veterinary use of such drug by the laity. Such circular or other labeling may also bear a statement that a brochure of other printed matter containing information for other veterinary uses of such drug by a veterinarian licensed by law to administer it will be sent to such veterinarian on request.

71. Section 146.405 (c) (3) and (4) are amended to read:

§146.405 Bacitracin with vasoconstrictor

(c) Labeling.

(3) On the outside wrapper or container:

(i) The statement "Caution: Federal law prohibits dispensing without prescription," unless it is packaged for dispensing and it is intended solely for veterinary use and is conspicuously so labeled.

(ii) If it is packaged for dispensing and it is intended for use by man, a reference specifically identifying a readily available medical publication containing information (including contraindications and possible sensitization) adequate for the use of such drug by practitioners licensed by law to administer it; or a reference to a brochure or other printed matter containing such information, and a statement that such brochure or other printed matter will be sent on request: *Provided, however, That this reference may be omitted if the information is contained in a circular or other labeling within or attached to the package.*

(4) On the circular or other labeling within or attached to the package, if it is packaged for dispensing and it is intended solely for veterinary use and is conspicuously so labeled, adequate directions and warnings for the veterinary use of such drug by the laity. Such circular or other labeling may also bear a statement that a brochure or other printed matter containing information for other veterinary uses of such drug by a veterinarian licensed by law to administer it will be sent to such veterinarian on request.

72. Section 146.408 (c) (2) and (4) are amended to read:

§146.408 Bacitracin ophthalmic.

(c) Labeling.

(2) On the outside wrapper or container:

(i) The statement "Caution: Federal law prohibits dispensing without prescription," unless it is packaged for dispensing and it is intended solely for veterinary use and is conspicuously so labeled.

(ii) If it is packaged for dispensing and it is intended for use by man, a reference specifically identifying a readily available medical publication containing information (including contraindications and possible sensitization) adequate for the use of such drug by practitioners licensed by law to administer it; or a reference to a brochure or

other printed matter containing such information, and a statement that such brochure or other printed matter will be sent on request: *Provided, however, That this reference may be omitted if the information is contained in a circular or other labeling within or attached to the package.*

(4) On the circular or other labeling within or attached to the package, if it is packaged for dispensing and it is intended solely for veterinary use and is conspicuously so labeled, adequate directions and warnings for the veterinary use of such drug by the laity. Such circular or other labeling may also bear a statement that a brochure or other printed matter containing information for other veterinary uses of such drug by a veterinarian licensed by law to administer it will be sent to such veterinarian on request.

This order, which provides for changes in the labeling requirements for antibiotic and antibiotic-containing drugs, shall become effective upon publication in the FEDERAL REGISTER, since both the public and the affected industry will benefit by the earliest effective date, and I so find.

Notice and public procedure are not necessary prerequisites to the promulgation of this order, and I so find, since it was drawn in collaboration with interested members of the affected industry and since it would be against public interest to delay providing for the amendments set forth above.

(Sec. 701, 52 Stat. 1055; 21 U. S. C. 371)

Dated: December 19, 1952.

[SEAL] JOHN L. THURSTON,
Acting Administrator.

[F. R. Doc. 52-13596; Filed, Dec. 24, 1952;
8:50 a. m.]

TITLE 32A—NATIONAL DEFENSE, APPENDIX

Chapter III—Office of Price Stabilization, Economic Stabilization Agency

[Ceiling Price Regulation 34, Amdt. 13 to
Supplementary Regulation 3]

CPR 34—SERVICES

SR 3—APPROVAL OF CERTAIN AUTOMOTIVE AND FARM TRACTOR REPAIR SERVICE FLAT RATE MANUALS

ADDITIONAL METHOD FOR ADOPTING APPROVED MANUALS

Pursuant to the Defense Production Act of 1950, as amended, Executive Order 10161 (15 F. R. 6105), and Economic Stabilization Agency General Order No. 2 (16 F. R. 738), this Amendment 13 to Supplementary Regulation 3 (16 F. R. 8828) to Ceiling Price Regulation 34, is hereby issued.

STATEMENT OF CONSIDERATIONS

Supplementary Regulation 3 to Ceiling Price Regulation 34, as amended, provides for the approval of new editions and supplements to flat rate manuals and labor schedules used in the automo-

tive and farm implement repair service field. These manuals and labor schedules establish standard time allowances for various operations or combinations of operations involved in automobile and farm implement mechanical repair services based upon continuing time studies conducted by the manufacturers or publishers of manuals.

Most automotive and farm implement repair establishments use one or more of these flat rate manuals or labor schedules to determine the time allowances for mechanical repair services rendered. However, in some instances dealers supplying automotive repair services have, for a long period of time used flat rate manuals or labor schedules in which the time allowances have been altered and which deviate in important respects from the standard flat rate manuals published by the manufacturer of the equipment generally serviced by such dealers. Under the provisions of section 12 (g) of Ceiling Price Regulation 34, dealers using such altered manuals are required to continue to use the same manual that was used during the base period, December 19, 1950 to January 25, 1951, inclusive, or a subsequent edition of that manual approved by the Director of Price Stabilization. Since no subsequent editions of the altered manuals have been submitted to, or approved by, the Director, such dealers are now unable to determine time allowances for new operations or combinations of operations which have been approved in new editions or supplements to flat rate manuals covered by Supplementary Regulation 3 to Ceiling Price Regulation 34, as amended, particularly with respect to new models manufactured since the base period.

This amendment provides a method whereby individual dealers who were "frozen" with an altered manual under the provisions of Ceiling Price Regulation 34 may apply to the OPS District Office for permission to adopt the appropriate approved flat rate manuals or labor schedules and/or supplements to determine the time allowances for automotive and farm implement repair services. Since the users of such altered flat rate manuals or labor schedules have also charged customers' hourly rate adjusted to such altered time allowances, it is necessary to reestablish hourly rates to conform to the standard time allowances.

The modifications approved under this amendment will in general result in substantially the same prices to customers at attained under the previously established time allowances and hourly rates.

In the judgment of the Director, the provisions of this amendment are necessary and proper to effectuate the purposes of the Defense Production Act of 1950, as amended. The limited application of this amendment made it impracticable to consult formally with representatives of the industry including trade association representatives; however, informal consultation has been held with representatives of the industry and consideration has been given to their proposals.

AMENDATORY PROVISIONS

Supplementary Regulation 3, as amended, to Ceiling Price Regulation 34 is further amended as follows:

1. Paragraphs (c) and (d) of section 3 are redesignated paragraphs (d) and (e).

2. A new paragraph (c) is added to section 3 to read as follows:

(c) *Dealers who used an "altered" flat rate manual or labor schedule during the base period.* (1) If you are a dealer who used a flat rate manual or labor schedule during the base period in which the time allowances for mechanical repair services have been altered and are different from the time allowances contained in the flat rate manual or labor schedule issued by the manufacturer for whom you are a dealer, or the time allowances contained in a general flat rate manual or labor schedules approved by this supplementary regulation, you may file with your District Office of the Office of Price Stabilization in the District in which your place of business is located an application for permission to adopt and use the current approved edition of the flat rate manual or labor schedules issued by the manufacturer for whom you are a dealer, and an approved general manual or labor schedule for use with respect to other makes of automobiles to determine time allowances for automotive repair services, and a modification of your established customers' hourly rate if such modification will in general result in substantially the same prices to customers as were attained under the previously allowed time allowance and hourly rate. Your application shall not include the charges for operations for which you have established a flat price under CPR 34. Your application shall contain the following information:

- (i) Your name and address.
- (ii) Name and description of altered manual and of the approved flat rate manual to be used.
- (iii) A complete list of all repair orders or other records (excluding those for jobs for which a flat price is charged) for all mechanical labor performed during the last previous month of September and the last previous month of May, whether or not the job is specified in a flat rate manual, showing:

(a) The job ticket or repair order number.

(b) A description or identifying symbol of the job as used in the altered manual.

(c) The total hours specified for the job in your altered flat rate manual.

(d) The total hours for the same job in the approval flat rate manual.

For jobs for which actual times were used to determine the price (this includes mechanical repair operations not covered by the altered or approved manuals referred to above), the actual time charged at your established customers' hourly rate.

(iv) Your customers' hourly rate established under CPR 34 and used in connection with the altered manuals.

(2) Three or more dealers of the same manufacturer using the same altered manual and doing business within the same geographical area may apply as a group for permission to adopt the approved flat rate manual issued by that manufacturer and a modification of their customers' hourly rate. If the geographical area extends into two or more OPS Districts the application should be filed with the OPS District Office in the District in which the largest number of applicants are located.

(i) Such group application shall contain the following information:

(a) The name and address of each applicant.

(b) A statement from each applicant that he desires a group modification based upon data submitted by a representative number of the group.

(c) Each applicant's customers' hourly rate established under CPR 34 and used in connection with the altered manuals.

(d) Each applicant's repair service sales volume during his last complete annual accounting period.

(ii) Within ten days after the receipt of the application, OPS will designate, after discussion with representatives of the group, which firms on the list shall be acceptable as representative of the group.

(iii) The firms to be the representative number of the group shall, as a minimum, consist of two dealers and shall represent an annual sales volume for mechanical repair service of not less than 25 percent of the total mechanical repair service sales volume of the group.

(iv) The accepted firms shall then submit the data required in subparagraph (1) (ii) and (iii).

(3) If, for any reason, such as fire, remodeling operations, traffic diversion etc., either the last previous month of September or May is unrepresentative of your repair service business, you may, with the approval of the District Office substitute the next nearest month which will reflect the normal operation of your repair business. You may not, until your application is approved by OPS use the manuals for which you have requested permission to use, nor charge more than your established customers' hourly rate for automotive repair services.

(Sec. 704, 64 Stat. 816, as amended; 50 U. S. C. App. Sup. 2154)

Effective date. This Amendment 13 to Supplementary Regulation 3 to Ceiling Price Regulation 34 shall be effective on December 23, 1952.

NOTE: The record-keeping and reporting requirements of this regulation have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

JOSEPH H. FREEHILL,
Director of Price Stabilization.

DECEMBER 23, 1952.

[F. R. Doc. 52-13627; Filed, Dec. 23, 1952;
12:30 p. m.]

[Ceiling Price Regulation 7, Amdt. 24]

CPR 7—RETAIL CEILING PRICES FOR
CERTAIN CONSUMER GOODS

NEW SELLERS

Pursuant to the Defense Production Act of 1950, as amended, Executive Order 10161, and Economic Stabilization Agency General Order No. 2, this Amendment to Ceiling Price Regulation 7 is hereby issued.

STATEMENT OF CONSIDERATIONS

This amendment revises the provisions of Ceiling Price Regulation 7 which affect a seller opening a new unit; a seller adding a category for which he cannot determine ceiling prices under other sections of the regulation; a seller adding articles not in any category he carried under the GCPR; and a seller selling sets to which certain services have been added or a new seller who repairs or reconditions the articles he sells.

Under the present regulation a seller entering business for the first time is limited to category markups set forth in Appendix E. A seller with past experience opening a unit or adding a category is in general faced with a dual limitation: that the category markups must be in line with those of competitors and not above the applicant's past experience. Experience with the regulation has demonstrated that the number of applications being processed under these provisions is not extraordinarily great. The markups in Appendix E represent a point slightly below the national median. In the interest of expedition their use for completely new sellers was desirable but they could result in markups that were either too high where local competition generally was selling at markups lower than are represented in the appendix or on the contrary too low where local competition was generally selling at higher markups. It became increasingly apparent that it would be simpler to in-line applicants with competition in the first instance than to invoke the necessary procedures to adjust markups downward where they were too high or to create a method of relief where the initial markups were too low. Experience also revealed that the limitation in the regulation that a seller could not be authorized to use markups higher than his past experience was unnecessarily stringent.

The principal changes therefore being effected by this amendment are the abandonment of the condition that a seller could not be authorized to use markups higher than his past experience and the adoption in general of the single standard of inlining new sellers directly with sellers whose operations are most nearly like those of the applicant. The procedure being adopted here is not expected to affect the general level of prices since it is anticipated that new applicants will be in-lined with low markup competitors as often as with high markup competitors.

By a prior amendment chain sellers were authorized to extend their operations to new units semi-automatically.

In the course of preparing this revision it was recognized that this right should be limited in one respect. Retail sellers in resort areas often apply larger mark-ups than do retail sellers in non-resort areas. This amendment prevents the extension of resort area markups to non-resort areas.

The provision governing new sellers of repaired and reconditioned merchandise has been liberalized. In the past mark-ups were permitted to be applied to acquisition costs only. Provision is now made for the application of the markup to the sum of the costs of the article plus the cost of repair or reconditioning with the limitation that the repairs or reconditioning costs may not exceed the amount necessary to raise the article to factory standard. This liberalization permits the same pricing method to new sellers of repaired or reconditioned articles that is permitted to be used by list date sellers. This change was determined to be necessary since, where the markup was applied to the cost of the article only, the resultant margin of profit where repairs were a significant amount was so shrunken as to discourage repairing or reconditioning with a consequent uneconomic waste of materials.

In the preparation and formulation of the provisions of this amendment there has been frequent informal consultation with industry representatives and their views and recommendations have been given careful consideration in the promulgation of this amendment.

AMENDATORY PROVISIONS

Ceiling Price Regulation 7 is amended in the following respects:

1. The following new section 39 is substituted for sections 39, 39a, 39b, 39c, 39d, 39e, 39f and 39g:

Sec. 39. Ceiling prices for new sellers or for sellers who cannot price under other sections of the regulation. (a) *Circumstances.* This paragraph explains under what circumstances you will use the various paragraphs of this section:

(1) If you are a new seller (not a transferee under section 42), that is, if you are now opening your first unit, you use paragraph (a).

(2) If you now have one or more units and you are opening a new unit for which you intend to determine prices centrally and uniformly with your existing units, you use paragraph (b).

(3) If you now have one or more units and you are opening a new unit (not a transferee under section 42) for which you wish to use the pricing chart, OPS order or authorization for an existing unit although you will not be determining prices centrally and uniformly for the two units, you use paragraph (c).

(4) If you are adding a category to a unit and are unable to determine ceiling prices for the added category under any other section of the regulation, you use paragraph (d).

(5) If you previously elected to remain under the General Ceiling Price Regulation pursuant to section 3 of this regulation and articles you are now taking on in a CPR 7 category do not fall

into any category which you handled pursuant to the GPCR, you use paragraph (d).

(6) If prior to your list date you were in the business of assembling, packaging and selling sets to which you have added services the cost of which is more than 10 percent of the net cost of all the articles in the sets, you use paragraph (e) to establish a pricing method for your assembled sets.

(7) If you do not have a list date pricing chart and you are in or propose to enter the business of regularly buying (or taking in as trade-ins) used or imperfect articles for the purpose of reconditioning them and selling them as reconditioned, you use paragraph (f).

(8) You may elect to establish new ceiling prices under this section in place of those previously established pursuant to a report made by you or an order or authorization received from the OPS under section 39 prior to December 29, 1952. If you so elect, you use paragraph (g).

(a) *Opening a first unit.* If you are a new seller (not a transferee under section 42), that is, if you are now opening your first unit, you must file with your OPS office an application for markups in line with those of the three sellers whose operations are most nearly like that of your new unit. Your application must be signed by an owner, officer, or duly authorized agent.

(1) *Application.* The application must contain the following information:

(i) Your name and address and the name and address of the new unit;

(ii) The proposed date of opening of the new unit;

(iii) A list of the categories (identified by the appropriate Appendix B category numbers) to be handled in the new unit;

(iv) The type of operation which will be carried on in the new unit (for example, dry goods, furniture, men's furnishings, women's specialty shop, department store, etc.);

(v) The customer services which will be offered (i. e. installment selling, charge accounts, free delivery service, free alterations, etc.);

(vi) If the new unit is a leased department, the name and address of the prior lessee; if the department was operated by the lessor, this should be stated;

(vii) A statement of the type of supplier who will constitute the principal source of supply of merchandise for the new unit (for example, wholesalers, distributors, jobbers, manufacturers, etc.); and

(viii) The names and addresses of the three sellers whose operations are most nearly like that of the new unit.

(2) *Authorization.* You will receive a letter order from the OPS establishing a markup for each category to be used in the new unit in determining its ceiling prices. This markup will be in line with those of the three sellers whose operations are most nearly like that of your new unit.

(b) *Adding a new unit to a chain which determines prices centrally or uniformly or creating such a chain.* If you are a chain or group of stores which constitute a single seller under this regulation, and you are adding a new unit,

or if you are a seller with a single unit opening another unit who wishes to determine prices centrally and uniformly for the two units and thus to create a centrally and uniformly pricing chain, you determine ceiling prices for sales from the new unit pursuant to the pricing chart, OPS order or authorization governing the determination of ceiling prices for the chain, group or existing unit after you file with your OPS office a notification containing the information and statements listed in subparagraph (1) and receive an acknowledgment from the OPS. This notification must be signed by an owner, officer or duly authorized agent.

(1) *Notification.* The notification must include the following information:

(i) The name of the chain or group, or the name of the single unit, and the address of the principal office;

(ii) The name and address of the new unit;

(iii) The date of opening of the new unit, and

(iv) A list of the categories to be carried indicating as to which categories the new unit is to maintain central and uniform pricing with your other existing units.

(v) A statement that the new unit will be the same type of operation; extend the same services; provide the same class of merchandise in the same general price ranges, and cater to the same class of purchaser as your other units, or unit;

(vi) If the new unit is located in an area which is not a resort area and all your other units (or unit) are located in the resort areas, list the names and addresses of the three sellers, the operations of which are most nearly like that of the new unit.

(2) *Authorization.* As soon as you receive from your OPS office acknowledgment of the receipt of your notification you may determine ceiling prices for the categories of the new unit described in your notification pursuant to the pricing chart, OPS order or authorization which governs the determination of ceiling prices for your other units. There is one exception to this, however. If the new unit is not in a resort area and your chain or your present unit is in a resort area, you may not determine ceiling prices for the new unit until you have received a letter order from your OPS office advising you what markups to use in the new unit. The OPS will authorize markups for the new unit in line with those of the three sellers the operations of which are most nearly like that of the new unit. To the extent that the pricing chart, OPS order or authorization which governs the determination of ceiling prices for your other units contains category markups in line with those of the three sellers the operations of which are most nearly like that of the new unit, use of that pricing chart, OPS order or authorization may be authorized in the letter order. You will be sent two copies of the acknowledgment of your notification or of the letter order fixing markups for your new unit. One copy is to be retained in the principal office of your chain; the other is to be kept in the new unit.

(c) *Adding a new unit to a chain which does not determine prices centrally or uniformly or creating such a chain.* If you are a chain or a group of stores which do not constitute a single seller under this regulation (that is, a chain which does not determine prices centrally and uniformly) and you are adding a new unit, or if you are a seller with a single unit opening another unit and you do not wish to determine ceiling prices for sales from the two units centrally and uniformly, you must apply to the OPS district office for the area in which the new unit is located for a letter order establishing markups for the new unit. If the new unit is to be the same type of operation as one of your other units you may apply for permission to use the latter unit's pricing chart, OPS order or authorization to determine ceiling prices for sales from the new unit. Markups authorized under this paragraph will be in line with those of the three sellers whose operations are most nearly like that of the new unit. Your application must be signed by an owner, officer or duly authorized agent.

(1) *Application.* The application must contain the following information:

(i) The name and address of your principal office of the chain or, where you previously had only one unit, the name and address of that unit;

(ii) The name and address of the new unit;

(iii) The date of opening of the new unit;

(iv) A list of the categories (identified by the appropriate Appendix B category numbers) to be handled in the new unit;

(v) A statement of the type of supplier who will constitute the principal source of supply of merchandise for the new unit (for example, wholesalers, distributors, jobbers, manufacturers, etc.);

(vi) The names and addresses of the three sellers whose operations are most nearly like that of the new unit;

(vii) If you wish to use for the new unit the pricing chart, OPS order or authorization of another of your units, the name and address of the latter unit, the address of the OPS office with which its pricing chart is on file, or from which the OPS order or authorization issued, and information that it and the new unit will be the same type of operation; extend the same services, provide the same class of merchandise in the same general price ranges, cater to the same class of purchasers, and be located in similar trading areas.

(2) *Authorization.* (i) The Office of Price Stabilization may authorize you by letter order to use the pricing chart, OPS order or authorization of an existing unit to establish prices for the new unit, if it appears that the new unit and the one whose chart or prior order or authorization you wish to use will be the same type of operation, extend the same services, provide the same class of merchandise in the same general price ranges, cater to the same class of purchaser and be located in similar trading areas.

(ii) If the applicant does not qualify under subdivision (i) of this subparagraph, the OPS, nevertheless, to the ex-

tent that such authorization results in category markups in line with or lower than those of the three sellers whose operations are most nearly like those of the new unit, may authorize the use of the pricing chart, OPS order or authorization sought to be used or of the pricing chart, OPS order or authorization of another unit in the chain.

(iii) If the new unit is to carry categories not on the pricing chart or OPS order or authorization sought to be used, or if any categories on the chart or OPS order or authorization sought to be used have category markups in excess of those of the three sellers the operations of which are most nearly like that of the new unit, then for such categories the OPS may authorize the use of the pricing chart, if any, for that particular category of some other unit in the chain which would result in markups in line with or lower than those of these three sellers. The OPS in such case will indicate the acceptable category average for each category and give you an opportunity to produce a chart for the particular categories having category markups no higher than those indicated. Thereafter, if no pricing chart for the particular category is produced, the OPS will authorize the use of a markup for the category in line with those of the three sellers whose operations are most nearly like that of the new unit.

(d) *Adding a category to an existing unit.* This paragraph applies in two situations. You will use this paragraph if you are adding a category to an existing unit or to a centrally and uniformly pricing chain and you are unable to determine your ceiling prices under any other section of this regulation. You will, also, use this paragraph if you previously elected to remain under the GPCR pursuant to section 3 of this regulation and you are now taking on articles which fall into a CPR 7 category but not into any category handler by you under the GPCR. In either case you must file with the OPS office having jurisdiction over the unit to which the category is to be added an application for an appropriate markup for the new category. The application must be signed by an owner, officer or duly authorized agent.

(1) *Application.* The application must include the following information:

(i) The name and address of the unit or an identification of the chain or group to which the category is being added;

(ii) A list of the categories (identified by the appropriate Appendix B category numbers) to be added;

(iii) A statement that the categories cannot be priced pursuant to any other section of the regulation; or, if you are a seller who had previously elected to remain under the GPCR, pursuant to section 3 (a) of this regulation a statement to that effect;

(iv) If you have another unit which handles the category and you wish to use that unit's chart, OPS order or authorization for the new category, the name and address of such unit;

(v) The names and addresses of the three sellers whose operations are most nearly like that of the chain or unit which is adding the new categories.

(2) *Authorization.* The OPS will, by letter order, grant category markups, or authorize the use of charts or prior orders or authorizations having category average markups, in line with those of the three sellers whose operations are most nearly like those of the unit, or units, adding the category.

(e) *Application by certain sellers who sell exclusively in sets (groups of articles) to which services have been added.* If prior to your list date, you have been engaged in the business of assembling, packaging, and selling sets (groups of articles) to which you have added services the cost of which is more than 10 percent of the net cost of all the constituent articles of the assembled sets, you may apply to your OPS office for a pricing method for the sale of your assembled sets. Your application must be signed by an owner, officer or duly authorized agent.

(1) *Application.* The application must contain the following information:

(i) Your name and address;

(ii) The date when you entered business;

(iii) A statement of the manner in which you conduct your business (indicating whether you are a department store, a leased department, a specialty store, or other; cash, installment or other terms; and class of merchandise you handle);

(iv) A list of all sets offered by you for sale on the list date, enumerating for each set the articles included, the cost of each article, the cost of services added by you on each set, and the selling price of each set on the list date; and

(v) Substantiating evidence such as advertisements, catalogs, or prospectuses that you sold or offered for sale the sets (listed under (iv)) on the list date.

(2) *Authorization.* Upon application made pursuant to subparagraph (1), the OPS may, by order, permit you to add to the net cost of all the constituent articles the cost of the services you provide (packaging, monogramming, etc.) and a markup in line with the level of prices established by this regulation.

(f) *Sellers who repair or recondition.* If you do not have a list date pricing chart and you are in, or propose to enter, the business of regularly buying (or taking in as trade-ins) used or imperfect articles for the purpose of reconditioning them and selling them as reconditioned or repaired, you may apply to your OPS office for a pricing method by which to establish ceiling prices for the sale of such reconditioned or repaired articles. The application must be signed by an owner, officer or duly authorized agent.

(1) *Application.* The application must contain the following information:

(i) Your name and address and the name and address of the unit;

(ii) The date of the opening of the unit;

(iii) A statement that you will regularly be buying used or imperfect articles (or taking them in as trade-ins) for the purpose of reconditioning them and selling them as reconditioned or repaired.

(2) *Authorization.* Upon application made pursuant to paragraph (1) the OPS

may, by order, authorize you to determine a ceiling price for such articles by applying category markups to the sum of the net cost of the articles plus the actual net cost of reconditioning or repairing them. The category markups authorized will be in line with those of the three sellers whose operations are most nearly like yours. In no case will you be authorized to use as the actual net cost of reconditioning or repairing an article an amount greater than the cost required to restore the article to factory standard.

(g) Sellers who filed reports or received orders under Section 39 prior to December 29, 1952. If you are a seller who prior to December 29, 1952, filed a report or obtained an order under Section 39 which order or report authorizes you to use lower markups than you could receive by application filed under the present regulation, you may secure a revised order by following the provisions of this paragraph. You must file with your OPS office an application under the paragraph of this section 39 which would have been applicable had it been in the regulation when you filed your original report or application and you must plainly indicate at the beginning of the application that you are filing pursuant to the provisions of this section by labeling your application "Re-Application—Section 39 (g)" and note thereafter the date of your prior order and the name and address of the OPS office which issued it.

2. Section 59 is amended by inserting the following definition between the definition for "Records" and "Sale at retail":

"Resort area." A resort area is one in which, during the same limited period of each year (no less than two months nor more than five months) the bulk of the income of the area is usually realized; the population is increased two or more fold; the volume of sales is far greater and non-commercial rents are customarily much higher than in other periods of the year. The area must be one generally recognized as a vacation or resort area by the public.

(Sec. 704, 64 Stat. 816, as amended; 50 U. S. C. App. Sup. 2154)

Effective date. This amendment is effective December 29, 1952.

Note: The record-keeping and reporting requirements of this amendment have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

JOSEPH H. FREEHILL,
Director of Price Stabilization.

DECEMBER 24, 1952.

[F. R. Doc. 52-13709; Filed, Dec. 24, 1952; 11:33 a. m.]

[Ceiling Price Regulation 7, Amdt. 25]

CPR 7—RETAIL CEILING PRICES FOR
CERTAIN CONSUMER GOODS

TRANSFERS TO CERTAIN CHAINS

Pursuant to the Defense Production Act of 1950, as amended, Executive Order 10161, and Economic Stabilization

Agency General Order No. 2, this Amendment to Ceiling Price Regulation 7 is hereby issued.

STATEMENT OF CONSIDERATIONS

Under section 42 of Ceiling Price Regulation 7 a person who purchases or otherwise acquires a substantial part of the business, assets or stock in trade of any business selling CPR 7 articles is required to use the ceiling prices of the transferor for articles for which ceiling prices are determined under CPR 7.

Chains which determine prices centrally and uniformly have encountered considerable administrative difficulty because of this requirement. This amendment relieves them of the requirement and permits them to use the same ceiling prices as they have already established for their existing units. Central and uniform pricing by chains provides in general a method of operation which if extended can further the objectives of stabilization as well as keep down the costs of distribution.

This amendment permits chains determining prices uniformly and centrally to treat a unit acquired by transfer as if it were a new unit being opened by the chain.

Although in some cases the markups of the chain may exceed those of the transferor, the general level of prices would not be affected by the amendment.

This amendment also permits a seller with a single CPR 7 unit who acquires by transfer a business to extend his pricing method to the transferred unit and thereby to create a central and uniform pricing chain.

In the formulation of this amendment there has been consultation with industry representatives, including trade association representatives, to the extent practicable, and consideration has been given to their recommendations.

AMENDATORY PROVISIONS

Ceiling Price Regulation 7 is hereby amended in the following respects:

1. Section 42 is amended by inserting after the heading "Transfer of business" the following:

(a) *Transfers to a central and uniform pricing chain or to a seller with a single unit who wishes to create such a chain.* If you are a chain which is a single seller under this regulation or a seller with a single unit and you purchase or otherwise acquire another unit in which you wish to determine prices centrally and uniformly with the existing chain or unit, you must use section 39 (b), treating the transferred unit as a new unit.

2. Section 42 is further amended by substituting the following: "(b) *How other transferees fix their ceiling prices*" for the phrase "How a transferee fixes his ceiling prices."

3. Section 42 is further amended by substituting the paragraph designations "(c)" for "(b)" and "(d)" for "(c)" respectively and by substituting the reference "(d)" for "(c)" in the second sentence of subparagraph (a) (3).

Effective date. This amendment is effective December 29, 1952.

NOTE: The record-keeping and reporting requirements of this amendment have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

JOSEPH H. FREEHILL,
Director of Price Stabilization.

DECEMBER 24, 1952.

[F. R. Doc. 52-13710; Filed, Dec. 24, 1952; 11:33 a. m.]

[Ceiling Price Regulation 161, Amdt. 3]

CPR 161—CONSUMER DURABLE GOODS
REGULATION

REPORTS BY SMALL MANUFACTURERS

Pursuant to the Defense Production Act of 1950, as amended, Executive Order 10161, and Economic Stabilization Agency General Order No. 2, this Amendment to Ceiling Price Regulation 161 is hereby issued.

STATEMENT OF CONSIDERATIONS

This amendment to CPR 161 shifts the place of filing reports on new commodities from Washington to the nearest district office for all manufacturers whose gross sales in their last fiscal year did not exceed \$1,000,000 and all new manufacturers who do not expect their gross sales to exceed \$1,000,000 during their first year.

Before this amendment, only manufacturers whose gross sales in their last fiscal year did not exceed \$250,000 filed their reports in the nearest district office. It has now become administratively feasible to enlarge the number of applications which may be processed in the district offices rather than in Washington. The district offices, located in or near virtually all manufacturing centers, can offer small manufacturers more direct help than can be offered by the national office. Difficulties can be more quickly straightened out by personal interviews and by telephone and will not require correspondence with Washington. Furthermore, the workload will be more evenly distributed within OPS, resulting in speedier action.

In view of the limited nature of this amendment special circumstances have rendered consultation with industry representatives, including trade association representatives, impracticable.

AMENDATORY PROVISIONS

Sections 3, 4, 5 and 6 of Ceiling Price Regulation 161 are hereby amended by substituting the figure "\$1,000,000" for the figure "\$250,000" wherever it appears.

(Sec. 704, 64 Stat. 816, as amended; 50 U. S. C. App. Sup. 2154)

Effective date. This amendment is effective December 29, 1952.

JOSEPH H. FREEHILL,
Director of Price Stabilization.

DECEMBER 24, 1952.

[F. R. Doc. 52-13711; Filed, Dec. 24, 1952; 11:34 a. m.]

Chapter VI—National Production Authority, Department of Commerce

[CMP Regulation No. 1, Direction 18 as Amended Dec. 24, 1952]

CMP REG. 1—BASIC RULES OF THE CONTROLLED MATERIALS PLAN

DIR. 18—AUTOMATIC ALLOTMENT PROCEDURE FOR PRODUCERS OF CLASS B PRODUCTS

This direction as amended is found necessary and appropriate to promote the national defense and is issued pursuant to the Defense Production Act of 1950, as amended. In the formulation of this amended direction, consultation with industry representatives has been rendered impracticable due to the need for immediate action and because the direction affects many different industries.

EXPLANATORY

This amendment affects Direction 18, as last amended October 29, 1952, to CMP Regulation No. 1 by amending section 3 (c) thereof.

REGULATORY PROVISIONS

Sec.

1. What this direction does.
2. Definitions.
3. Persons affected by automatic allotment procedure.
4. Use of allotment symbol to obtain controlled materials.
5. Use of rating to obtain production materials other than controlled materials.
6. Certification.

AUTHORITY: Sections 1 to 6 issued under sec. 704, 64 Stat. 816, Pub. Law 429, 82d Cong.; 50 U. S. C. App. Sup. 2154. Interpret or apply sec. 101, 64 Stat. 799, Pub. Law 429, 82d Cong.; 50 U. S. C. App. Sup. 2071; sec. 101, E. O. 10161, Sept. 9, 1950, 15 F. R. 6105; 3 CFR, 1950 Supp.; sec. 2, E. O. 10200, Jan. 3, 1951, 16 F. R. 61; 3 CFR, 1951 Supp.; secs. 402, 405, E. O. 10281, Aug. 28, 1951, 16 F. R. 5789; 3 CFR, 1951 Supp.

SECTION 1. What this direction does. This direction relates only to producers of Class B products who received allotments pursuant to applications submitted on Form CMP-4B for the third calendar quarter of 1952. Such producers may calculate their own allotments and place purchase orders for delivery in any calendar quarter, beginning with the first calendar quarter of 1953, only if their allotments for the third quarter of 1952 did not exceed certain maximum amounts. A producer of a Class B product who received an allotment for such product pursuant to Form CMP-4B for the third quarter of 1952 which did not exceed such maximum amounts, but who desires quantities of controlled materials commencing with the first quarter of 1953 which exceed the automatic allotment quantities as calculated under this direction, must submit an application on Form CMP-4B. The provisions of Direction 1 to CMP Regulation No. 1 may be used only through the fourth quarter of 1952.

Sec. 2. Definitions. As used in this direction:

(a) "Product class" means a Product Class Code as shown in the Official CMP Class B Product List.

(b) "Total third-quarter allotment" means the total net allotments of a particular kind of controlled material (car-

bon steel, alloy steel, nickel-bearing stainless steel, all copper or aluminum) received by a producer of a Class B product for a particular product class for the third calendar quarter of 1952 pursuant to an allotment on Form CMP-4B or Form CMP-10, plus any quantity of such kind of controlled material for which such producer was entitled to self-authorize pursuant to Direction 1 to CMP Regulation No. 1 for the third calendar quarter of 1952 in such product class. Total net allotments shall be computed as of the close of business on August 29, 1952. In making such computation, the producer shall deduct any allotment decrease which he has received on Form CMP-11 and any portion of his third-quarter allotments which he has returned on Form CMP-12.

Sec. 3. Persons affected by automatic allotment procedure. (a) Subject to the limitations of paragraphs (b) and (c) of this section, a producer of any Class B product which is listed in the Official CMP Class B Product List may, without submitting an application on Form CMP-4B, calculate his own allotments and place purchase orders calling for delivery in any calendar quarter, beginning with the first calendar quarter of 1953, if his total third-quarter allotment of each kind of controlled material (including controlled material for Class A product components) for the production of that product and all other products in the same product class did not exceed the amounts specified below:

Carbon steel (including 500 tons wrought iron).
Alloy steel (except nickel-bearing stainless steel) 90 tons.
Nickel-bearing stainless steel 10,000 pounds.
Copper and copper-base alloy brass mill products, copper wire mill products, copper and copper-base alloy foundry products and powder. 40,000 pounds.
Aluminum 60,000 pounds.

Provided, however, That no such producer, unless specifically authorized by NPA, shall avail himself of the automatic allotment procedure provided by this direction if he has not received an allotment pursuant to application submitted on Form CMP-4B for the third calendar quarter of 1952, or if his total third-quarter allotment of any kind of controlled material exceeded the above amounts, for the manufacture of the same product and all other products in the same product class. Instead, a producer who has not received such third-quarter allotment, or whose total third-quarter allotment of any kind of controlled material exceeded the above amounts, shall obtain his controlled material requirements beginning with the first calendar quarter of 1953 either pursuant to Direction 17 to CMP Regulation No. 1 or pursuant to application submitted on Form CMP-4B, whichever is appropriate.

(b) Subject to the limitations of paragraph (a) of this section, a producer of any Class B product who may and desires to avail himself of the automatic allotment procedure under this section,

shall calculate as his allotment authority for the first calendar quarter of 1953 a quantity of each of the following kinds of controlled material equal to the specified percentage or percentages of his total third-quarter allotment of such material for the manufacture of the same product and all other products in the same product class:

Kinds of controlled material	Calculation of allotments on basis of total third quarter 1952 allotments
Carbon steel (including wrought iron).	100 percent of first 90 tons of total third quarter 1952 allotment, plus 90 percent of any excess between 90 tons and 90 tons.
Alloy steel (except nickel-bearing stainless steel).	100 percent of first 16 tons of total third quarter 1952 allotment, plus 90 percent of any excess between 16 tons and 90 tons.
Nickel-bearing stainless steel.	100 percent of first 90 pounds of total third quarter 1952 allotment, plus 90 percent of any excess between 90 pounds and 10,000 pounds.
Copper and copper-base alloy brass mill products, copper wire mill products, copper and copper-base alloy foundry products and powder.	100 percent of total third quarter 1952 allotment if it did not exceed 40,000 pounds.
Aluminum.	100 percent of total third quarter 1952 allotment if it did not exceed 60,000 pounds.

(c) Subject to the limitations of paragraph (a) of this section, a producer of any Class B product who may and desires to avail himself of the automatic allotment procedure under this section, shall calculate as his allotment authority for the second calendar quarter of 1953 and for each succeeding calendar quarter a quantity of each of the following kinds of controlled material equal to the specified percentage of his total third-quarter allotment of such material for the manufacture of the same product and all other products in the same product class:

Kinds of controlled material	Calculation of allotments on basis of total third quarter 1952 allotments
Carbon steel (including wrought iron).	110 percent of total third quarter 1952 allotment if it did not exceed 900 tons.
Alloy steel (except nickel-bearing stainless steel).	110 percent of total third quarter 1952 allotment if it did not exceed 90 tons.
Nickel-bearing stainless steel.	100 percent of total third quarter 1952 allotment if it did not exceed 10,000 pounds.
Copper and copper-base alloy brass mill products, copper wire mill products, copper and copper-base alloy foundry products and powder.	100 percent of total third quarter 1952 allotment if it did not exceed 40,000 pounds.
Aluminum.	100 percent of total third quarter 1952 allotment if it did not exceed 60,000 pounds.

(d) Notwithstanding the provisions of paragraphs (b) or (c) of this section, a producer of any Class B product who may and desires to avail himself of the automatic allotment procedure under this section need not during any calendar quarter reduce his allotment authority below the specified quantity of each of the following kinds of controlled ma-

terial for the manufacture of the same product and all other products in the same product class:

Carbon steel (including wrought iron).	25 tons.
Alloy steel (except nickel-bearing stainless steel).	1 ton.
Nickel-bearing stainless steel.	500 pounds.
Copper and copper-base alloy brass mill products, copper wire mill products, copper and copper-base alloy foundry products and powder.	10,000 pounds.
Aluminum.	20,000 pounds.

(e) A producer of any Class B product who may and desires to avail himself of the automatic allotment procedure under this section, but who has already received allotments for the first or a succeeding calendar quarter of 1953 pursuant to application or applications previously submitted on Form CMP-4B for such Class B product and others in the same product class, and has placed orders for controlled materials pursuant to such allotments, must deduct the quantity of orders so placed from the quantity of his calculated allotment under this section for such quarter.

(f) A producer of any Class B product who may and desires to avail himself of the automatic allotment procedure under this section but who has already received allotments for the first or a succeeding calendar quarter of 1953 pursuant to application or applications previously submitted on Form CMP-4B for such Class B product and others in the same product class, which exceed his automatic allotment authority as calculated under this section with respect to any kind of controlled material, need not return such excess allotments, but his allotment authority shall be limited to the amounts calculated under this section for such quarter.

(g) A producer of any Class B product who need not submit an application on Form CMP-4B pursuant to this direction shall be subject to all applicable regulations and orders of NPA. For example, he shall make allotments of controlled material to a person producing Class A product components for him in the manner prescribed by CMP Regulation No. 1.

(h) Class A products which a producer has been authorized by NPA to treat as Class B products in accordance with section 24 (b) of CMP Regulation No. 1, and Class A products which are sold to a distributor or for use as maintenance, repair, or operating supplies in accordance with paragraph (b) or (c) of section 15 of CMP Regulation No. 1, shall be deemed Class B products for purposes of this direction. A producer may calculate his own allotments and place purchase orders without filing a Form CMP-4B for any calendar quarter, beginning with the first calendar quarter of 1953, in which his total requirements for delivery from suppliers of each kind of controlled material (including controlled material for Class A product components) for the production of all Class A products which are deemed Class B products for purposes of this direction do not exceed the quantities indicated in this section.

(i) Except as otherwise provided by NPA, a producer of a Class B product must obtain his requirements of all kinds of controlled materials in a particular calendar quarter for a particular product class pursuant to this direction or pursuant to Direction 17 to CMP Regulation No. 1 or pursuant to application submitted on Form CMP-4B, and may not use the automatic allotment procedure of this direction or the self-authorization procedure of Direction 17 for one or more kinds of controlled materials and submit a Form CMP-4B for one or more other kinds of controlled materials.

SEC. 4. *Use of allotment symbol to obtain controlled materials.* Any producer of Class B products who, pursuant to this direction, may calculate his own allotments and place purchase orders without filing a Form CMP-4B, is authorized to use the allotment symbol which identifies the allotment he has received for the same products pursuant to application submitted on Form CMP-4B for the third calendar quarter of 1952 (and not the allotment symbol SU), or such other allotment symbol as NPA may expressly authorize, on delivery orders for controlled materials within the limits set forth in section 3 of this direction. He may also append the suffix program identification B-5 to such allotment symbol in accordance with the provisions of section 11 (d) of CMP Regulation No. 1. An order so designated, when certified as provided in section 6 of this direction, shall constitute an authorized controlled material order. The quantity of such Class B products which may be produced with controlled materials obtained with the use of such allotment symbol, or with such other allotment symbol as NPA may expressly authorize, plus controlled materials properly contained in inventory, shall constitute an authorized production schedule for the purpose of all CMP regulations.

SEC. 5. *Use of rating to obtain production materials other than controlled materials.* Any producer of Class B products who, pursuant to this direction, may calculate his own allotments and place purchase orders without filing a Form CMP-4B, is authorized to use the DO rating which accompanies the allotment he has received for the same products pursuant to application submitted on Form CMP-4B for the third calendar quarter of 1952 (and not the rating DO-SU), or such other rating as NPA may expressly authorize, on delivery orders for production materials as defined in CMP Regulation No. 3 in accordance with the provisions of that regulation. He may also append the suffix program identification B-5 to such rating in accordance with the provisions of section 6 (f) of CMP Regulation No. 3.

SEC. 6. *Certification.* Every delivery order placed under the provisions hereof shall contain, in the case of an order for controlled materials, the certification required by section 19 of CMP Regulation No. 1, or, in the case of an order for production materials other than controlled materials, the certification required by section 6 of CMP Regulation No. 3.

This amended direction shall take effect December 24, 1952.

NATIONAL PRODUCTION
AUTHORITY,
By GEORGE W. AUXIER,
Executive Secretary.

[F. R. Doc. 52-13704; Filed, Dec. 24, 1952;
11:27 a. m.]

[CMP Regulation No. 1, Amdt. 1 of December 24, 1952]

CMP REG. 1—BASIC RULES OF THE CONTROLLED MATERIALS PLAN

AMENDMENT OF SCHEDULE I

This amendment is found necessary and appropriate to promote the national defense and is issued pursuant to the Defense Production Act of 1950, as amended. In the formulation of this amendment, there has been consultation with industry representatives and consideration has been given to their recommendations. However, consultation with representatives of all industries affected has been rendered impracticable because the amendment affects many different industries.

AMENDATORY PROVISIONS

This amendment affects CMP Regulation No. 1, as last amended November 18, 1952, as follows:

A new footnote reference numbered "17" shall be inserted after the sub-heading "(b) Sheet, strip (uncoated and coated)" which appears under the heading "CARBON STEEL (INCLUDING WROUGHT IRON)" in Schedule I to CMP Regulation No. 1, and a new footnote numbered "17" shall be added to such schedule to read as follows:

"Secondary tin mill products are not controlled materials, nor are they Class A or Class B products. For the purposes of this schedule, the term 'secondary tin mill products' includes any one or more of the following listed products, but no others: Mill accumulation plate, unsorted temper tin plate, unmended menders, waste-waste, and other coated secondaries, each as defined in NPA Order M-24 as amended September 12, 1952; and black plate rejects, black plate wasters, and black plate waste-waste, each as defined in NPA Order M-25 as amended October 2, 1952.

(64 Stat. 816, Pub. Law 429, 82d Cong.; 50 U. S. C. App. Sup. 2154)

This amendment shall take effect December 24, 1952.

NATIONAL PRODUCTION
AUTHORITY,
By GEORGE W. AUXIER,
Executive Secretary.

[F. R. Doc. 52-13703; Filed, Dec. 24, 1952;
11:27 a. m.]

[Revised CMP Regulation No. 6, Amdt. 2 of December 24, 1952]

CMP REG. 6—CONSTRUCTION

AMENDMENT OF TABLE III

This amendment to Revised CMP Regulation No. 6 is found necessary and appropriate to promote the national de-

defense and is issued pursuant to the Defense Production Act of 1950, as amended. In the formulation of this amendment, there has been consultation with industry representatives and consideration has been given to their recommendations.

AMENDATORY PROVISIONS

This amendment affects Revised CMP Regulation No. 6, as last amended by Amendment 1 of November 28, 1952, as follows:

A new footnote reference numbered "17" shall be inserted after the subheading "(b) Sheet, strip (uncoated and coated)" which appears under the heading "CARBON STEEL (INCLUDING WROUGHT IRON)" in Table III to Revised CMP Regulation No. 6, and a new footnote numbered "17" shall be added to such table to read as follows:

"Secondary tin mill products are not controlled materials, nor are they Class A or Class B products. For the purposes of this schedule, the term 'secondary tin mill products' includes any one or more of the following listed products, but no others: Mill accumulation plate, unassorted temper tin plate, unmended menders, waste-waste, and other coated secondaries, each as defined in NPA Order M-24 as amended September 12, 1952; and black plate rejects, black plate wasters, and black plate waste-waste, each as defined in NPA Order M-25 as amended October 2, 1952.

(64 Stat. 816, Pub. Law 429, 82d Cong.; 50 U. S. C. App. Sup. 2154)

This amendment shall take effect December 24, 1952.

NATIONAL PRODUCTION

By GEORGE W. AUXIER,
Executive Secretary.

[F. R. Doc. 52-13705; Filed, Dec. 24, 1952;
11:27 a. m.]

[NPA Order M-1, Amtd. 3 of December 24, 1952]

M-1—IRON AND STEEL

SECONDARY TIN MILL PRODUCTS—DELETION OF ARMOR CASTINGS REPORT REQUIREMENT

This amendment is found necessary and appropriate to promote the national defense and is issued pursuant to the Defense Production Act of 1950, as amended. In the formulation of this amendment, there has been consultation with industry representatives and consideration has been given to their recommendations. However, consultation with representatives of all industries affected has been rendered impracticable because the amendment affects many different industries.

AMENDATORY PROVISIONS

This amendment affects NPA Order M-1 as last amended by Amendment 2 of October 23, 1952, as follows:

1. Paragraphs (j) through (s) of section 2 are redesignated as paragraphs (k) through (t), respectively.

2. A new paragraph designated (j), reading as follows, is added to section 2:

(j) "Secondary tin mill products" includes any one or more of the following

listed products, but no others: Mill accumulation plate, unassorted temper tin plate, unmended menders, waste-waste, and other coated secondaries, each as defined in NPA Order M-24, as amended September 12, 1952; and black plate rejects, black plate wasters, and black plate waste-waste, each as defined in NPA Order M-25 as amended October 2, 1952.

3. Paragraph (b) of section 7 is deleted and the reference "(a)" appearing in the first paragraph of section 7 is also deleted, so that section 7 as hereby amended now reads as follows:

Sec. 7. *Steel castings.* Not later than the tenth day of each calendar month, each producer of steel castings is hereby required to file with NPA a report on Form NPAF-118 in the manner prescribed in that form.

4. A new footnote, reference number "19," is inserted in Table I of the order and made applicable to the heading "Carbon" under column B of said table, and a new footnote numbered "19" is added to such table to read as follows:

"Does not include secondary tin mill products.

5. A new item is added in Part A-II of Table I under the heading "Other Steel Mill Products," reading as follows:

Secondary tin mill products.

(64 Stat. 816, Pub. Law 429, 82d Cong.; 50 U. S. C. App. Sup. 2154)

This amendment shall take effect December 24, 1952.

NATIONAL PRODUCTION

By GEORGE W. AUXIER,
Executive Secretary.

[F. R. Doc. 52-13706; Filed, Dec. 24, 1952;
11:27 a. m.]

[NPA Reg. 1, as Amended December 24, 1952]

NPA REG. 1—INVENTORY CONTROL

This regulation, as amended, is found necessary and appropriate to promote the national defense and is issued pursuant to the Defense Production Act of 1950, as amended. In the formulation of this amended regulation, consultation with industry representatives has been rendered impracticable because this regulation applies to all trades and industries.

EXPLANATORY

This regulation, as amended, affects NPA Reg. 1, as amended September 9, 1952, and as further amended by Amendment 1 of November 7, 1952, as follows: Certain items have been deleted and changed in Table IA under the headings "Chemicals," "Forest Products," "Iron and Steel," "Metals and Minerals," "Textile Materials," "Miscellaneous," and "Containers and Packaging Materials." Certain items are deleted and changed in Table IB.

REGULATORY PROVISIONS

Sec.

1. What this regulation does.
2. Definitions.

Sec.

3. Materials affected.
4. Persons affected.
5. Restrictions on receipts.
6. Restriction on deliveries.
7. Restrictions on ordering.
8. Adjustment of orders.
9. Receipts permitted after adjustment of orders.
10. Imported materials.
11. Minimum production or sales quantities.
12. Excess inventory.
13. Separate operating units.
14. Relation to other NPA regulations and orders.
15. Defense against claims for damages.
16. Request for adjustment or exception.
17. Records and reports.
18. Communications.
19. Violations.

AUTHORITY: Sections 1 to 19 issued under sec. 704, 64 Stat. 816, Pub. Law 429, 82d Cong.; 50 U. S. C. App. Sup. 2154. Interpret or apply sec. 101, 64 Stat. 799, Pub. Law 429, 82d Cong.; 50 U. S. C. App. Sup. 2071; sec. 101, E. O. 10161, Sept. 9, 1950, 15 F. R. 6105; 3 CFR, 1950 Supp.; sec. 2, E. O. 10200, Jan. 4, 1951, 16 F. R. 61; 3 CFR, 1951 Supp.; secs. 402, 405, E. O. 10281, Aug. 28, 1951, 16 F. R. 8789; 3 CFR, 1951 Supp.

SECTION 1. What this regulation does. The purpose of this regulation is to prevent the accumulation of excessive inventories of materials in short supply. It does this by limiting the quantities of such materials that can be ordered, received, or delivered.

Sec. 2. Definitions. As used in this regulation:

(a) "Person" means any individual, corporation, partnership, association, or any other organized group of persons, and includes any agency of the United States or any other government.

(b) "Practicable minimum working inventory" means the smallest quantity of material from which a person can reasonably meet his deliveries or supply his services on the basis of his currently scheduled method and rate of operation. In the absence of unusual circumstances, a person's inventory will be considered more than a practicable minimum working inventory if the ratio of his inventory to his currently scheduled operations is substantially greater than the ratio which he normally maintained between his inventory and his operations during any reasonably representative period in the 6 months ending June 30, 1950.

Sec. 3. Materials affected. This regulation applies only (a) to those materials listed in Table IA or Table IB (as amended from time to time) appearing at the end of this regulation, in the shapes and forms therein specified, or if no particular shape or form of any such material is specified, then in all shapes and forms of such material, and (b) to such other materials as may be made subject to it by any other NPA regulation or order.

Sec. 4. Persons affected. This regulation applies to all persons buying for use or resale, including resale in export trade, except an ultimate consumer with respect to the buying of materials for his personal or household use.

Sec. 5. Restrictions on receipts. (a) Except as provided in paragraph (b) of

this section, no person may receive or accept delivery of any material listed in Table IA of this regulation, if his inventory of such material is, or by reason of such receipt would become, more than a practicable minimum working inventory.

(b) No person buying for use in production or construction or for use as maintenance, repair, or operating supplies, may receive or accept delivery of any material listed in Table IB of this regulation, if his inventory of such material is, or by reason of such receipt would become, more than a practicable minimum working inventory, or more than the smallest quantity thereof reasonably required to meet his deliveries or supply his services on the basis of his currently scheduled method and rate of operation during the next succeeding number of calendar days listed for that material in column 2 of Table IB, whichever is less.

(c) In figuring his inventory a person must include all such material referred to in paragraphs (a) and (b) of this section, in his possession or held for his account by others, but not that held by him for the account of others. For the purpose of the restrictions in paragraphs (a) and (b) of this section, a material which is to be further processed is considered to be in inventory until actually put into process or actually installed or assembled. For the purpose of this regulation, processing does not include minor initial operations, such as painting, and does not include any shearing, cutting, trimming, or other operation, unless such initial operation is a part of a continuous fabricating or assembling operation; nor does it include operations such as inspection, testing, and aging, or segregation or earmarking for a specific job.

(d) Any person engaged in a seasonal business or industry who normally stocks inventory in advance of the season may, notwithstanding the restrictions in paragraphs (a) and (b) of this section, accept such advance delivery of his seasonal requirements provided that the deliveries accepted are no greater and no further in advance than those which he would normally accept in the ordinary course of his business to meet reasonably anticipated seasonal requirements.

Sec. 6. Restriction on deliveries. No person may deliver any material if he knows, or has reason to believe, that the person requesting delivery is forbidden to receive it by this regulation.

Sec. 7. Restrictions on ordering. (a) No person may place any order calling for delivery of any material earlier, or in larger amounts, than he would be permitted to receive under this regulation.

(b) No person may place separate orders with the same supplier, or with different suppliers, calling for delivery in the aggregate of any material in excess of the amount he is permitted to receive under this regulation even though he intends to cancel one or more of the orders before delivery.

Sec. 8. Adjustment of orders. (a) A person who, prior to the effective date of

any amendment to this regulation, has placed any order for a material calling for delivery earlier, or in greater quantities, than he is permitted to receive under this regulation must promptly cancel, reduce, or defer delivery under, every such order to the extent necessary so that delivery will not result in his exceeding his practicable minimum working inventory of such material. Nothing in this section shall affect any obligation of, or liability incurred by, a person under this regulation prior to the effective date of any amendment of this regulation.

(b) A person whose requirements change because of an alteration in his operations, slowing or stoppage of his production, or delayed delivery by suppliers, or for any other reason, must promptly cancel, reduce, or defer delivery under, his outstanding orders to the extent necessary so that delivery will not result in his exceeding his practicable minimum working inventory.

Sec. 9. Receipts permitted after adjustment of orders. Where a person has promptly adjusted his outstanding orders as required by section 8 of this regulation, delivery of the material involved may be made and accepted, and the restrictions on receipts of materials provided in this regulation may be exceeded, in any of the following cases only:

(a) If the supplier has shipped the material or loaded it for shipment before receipt of the instruction to adjust the order.

(b) If the material is a special item which, before receipt of the instruction to adjust the order, the supplier had in stock, or in production, or for the production of which he had acquired special components or special materials. For the purpose of this section a "special item" is one which the supplier does not usually make, stock, or sell, and which cannot readily be disposed of to others.

(c) If the material had already been produced or was in production before receipt of the instruction to adjust the order and cannot be used to fill other orders on the producer's books.

Sec. 10. Imported materials. A person may import any material acquired prior to landing without regard to the inventory restrictions of this regulation. However, if his inventory of a material thereby becomes in excess of the amount permitted, he may not receive further deliveries of it from domestic sources until his inventory is reduced to permitted levels. The inventory restrictions of this regulation do apply to any deliveries of the imported material he makes, and to the amount of it that any person accepting delivery from him is permitted to receive.

Sec. 11. Minimum production or sales quantities. In the case of materials that are mass produced or are normally marketed only in minimum sales quantities, a person may order and receive from a producer a minimum production run of such a material, or from any other supplier a minimum sales quantity, provided it is not practicable for

him to procure his needs from other suppliers in smaller quantities, even though his inventory of such material is thereby increased beyond a practicable minimum working inventory. He may not thereafter receive additional quantities of such material until his inventory thereof is reduced below a practicable minimum working inventory.

Sec. 12. Excess inventory. This regulation does not provide for disposal of excess inventory which may be on hand. Excess inventory may, however, be subject to requisition under certain circumstances, as provided in section 201 (a) of Title II of the Defense Production Act of 1950, as amended.

Sec. 13. Separate operating units. A person who has or may hereafter have more than one operating unit in his business may elect on or after July 23, 1952, to maintain separate inventory records for any of such units. After such an election has been made it may not at any time thereafter be changed without the prior written approval of NPA. The provisions of this regulation shall apply independently to any unit for which separate inventory records are maintained pursuant to this section.

Sec. 14. Relation to other NPA regulations and orders. Other or additional inventory restrictions are included in certain NPA orders and other regulations presently in effect, and may be included in NPA orders and other regulations issued in the future. The inventory restrictions of any such order or other regulation shall govern to the extent that they modify this regulation. Table II at the end of this regulation includes a list of materials with respect to which quantitative inventory restrictions are provided in the orders and other regulations listed in that table, in effect on the date specified in that table. Even if an NPA order or other regulation containing inventory restrictions is not listed in Table II, a person must nevertheless comply with such restrictions. Upon revocation in any manner of the inventory restrictions of an order or regulation listed in Table II, covering a material listed in Table IA or Table IB of this regulation, all provisions of this regulation shall apply to such material.

Sec. 15. Defense against claims for damages. Persons complying with this regulation are entitled to the protection afforded by section 707 of the Defense Production Act of 1950, as amended, which provides in part that "No person shall be held liable for damages or penalties for any act or failure to act resulting directly or indirectly from his compliance with a rule, regulation, or order issued pursuant to this act, notwithstanding that any such rule, regulation, or order shall thereafter be declared by judicial or other competent authority to be invalid."

Sec. 16. Request for adjustment or exception. Any person affected by any provision of this regulation may file a request for adjustment or exception upon the ground that such provision works an undue or exceptional hardship upon him

not suffered generally by others in the same trade or industry, or that its enforcement against him would not be in the interest of the national defense or in the public interest. In examining requests for adjustment or exception claiming that the public interest is prejudiced by the application of any provision of this regulation, consideration will be given to the requirements of the public health and safety, civilian defense, and dislocation of labor and resulting unemployment that would impair the defense program. Each request shall be in writing, by letter in triplicate, and shall set forth all pertinent facts, the nature of the relief sought, and the justification therefor.

SEC. 17. Records and reports. (a) Each person participating in any transaction covered by this regulation shall make and preserve, for at least 3 years thereafter, accurate and complete records of receipts, deliveries, inventories, production, and use, in sufficient detail to permit the determination, after audit, whether each transaction complies with the provisions of this regulation. This regulation does not specify any particular accounting method and does not require alteration of the system of records customarily used, provided such records supply an adequate basis for audit. Records may be retained in the form of microfilm or other photographic copies instead of the originals by those persons who, at the time such microfilm or other photographic records are made, maintain such copies of records in the regular and usual course of business.

(b) All records required by this regulation shall be made available for inspection and audit by duly authorized representatives of the National Production Authority, at the usual place of business where maintained.

(c) Persons subject to this regulation shall make such records and submit such reports to NPA as it shall require, subject to the terms of the Federal Reports Act of 1942 (5 U. S. C. 139-139F).

SEC. 18. Communications. All communications concerning this regulation shall be addressed to the National Production Authority, Washington 25, D. C., Ref: NPA Reg. 1.

SEC. 19. Violations. Any person who willfully violates any provision of this regulation, or any other regulation or order of NPA, or who willfully furnishes false information or conceals any material fact in the course of operation under this regulation, is guilty of a crime and upon conviction may be punished by fine or imprisonment or both. In addition, administrative action may be taken against any such person to suspend his privilege of making or receiving further deliveries of materials or using facilities under priority or allocation control and to deprive him of further priorities assistance.

NOTE: All reporting and record-keeping requirements of this regulation have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

NPA Reg. 1, as amended, shall take effect December 24, 1952.

**NATIONAL PRODUCTION
AUTHORITY,
By GEORGE W. AUXIER,
Executive Secretary.**

**TABLE IA OF NPA REG. 1
(As amended December 24, 1952)**

**MATERIALS SUBJECT TO PRACTICABLE MINIMUM
WORKING INVENTORY LIMITATION**

(See section 5 (a))

CHEMICALS

Acetylene.
Alkyl and aromatic substituted phenolic resins.
Alkyl polysulfide polymers (Thiokol-polymers, trade name).
Alpha picoline.
Argon.
Butadiene.
Calcium carbide.
Cobalt salts and driers.
Cyclohexanol.
Freon 22.
Lithium chemicals.
Lithium metal.
Nickel chemicals.
Oxygen.
Paraphenylphenol.
Paratertiary butyl phenol.
Pyrethrum.
Pyridine.
Selenium compounds (as defined in NPA Order M-91).
Toluene.

FOREST PRODUCTS

Lumber as specified below (excluding inventories of producers or distributors, but including inventories of users).
Cedar: Port Orford.
Cypress.
Douglas fir, thick clears.
Eucalyptus: Ironbark.
Lignum vitae.
Teak.
Plywood, softwood AA grade, all thicknesses, exterior and interior; 1/2 inch, all grades, exterior (excluding inventories of producers or distributors but including inventories of users).

IRON AND STEEL

Pig iron.
Steel:
Forgings (rough as forged).
Iron and steel scrap.
Non-nickel-bearing stainless (i. e., containing less than 1 percent nickel).

METALS AND MINERALS

Aluminum scrap.
Asbestos, amosite.
Asbestos, chrysotile, spinning fibers.
Asbestos, Bolivian crocidolite.
Beryllium: Metal, oxides, master alloys, and compounds.
Chromium:
Chrome metal.
Ferro-chrome.
Cobalt: Cobalt metal, oxides, and hydrides.
Columbium: Pure metal and chemicals, ferro-columbium, ferro-columbium-tantalum (ferro-tantalum-columbium).
Copper:
Refined copper (fire-refined and electrolytic).
All copper and copper-base alloy scrap containing commercially recoverable copper.
All other copper raw materials—blister copper, copper-base alloy ingot, copper and copper-base alloy shot and waste, brass mill castings, copper precipitates, and intermediate shapes as defined in NPA Order M-16.
Cryolite.
Diamonds, industrial.
Fluorspar, acid grade.

Magnesium:
Magnesium, primary and secondary ingots.
Semifabricated shapes.
All magnesium-base alloy scrap containing commercially recoverable magnesium.
Manganese: Manganese metal and ferromanganese.
Mica, muscovite block and film, good stained and better.
Molybdenum:
Pure metal, powder, wire, rod, sheet.
Ferro-molybdenum, molybdenum oxide and molybdenum compounds.
Nickel:
Nickel, alloyed or unalloyed.
Imported nickel matte.
Nickel and nickel alloy, metal (cathode nickel, pigs, shot, and other primary forms).
Nickel and nickel alloy, secondary.
Nickel and nickel alloy, semifinished; bars, rods, tubes, sheet bar, ingot, blooms, billets, sheet strip, and similar mill products not further manufactured.
All nickel and nickel-base alloy scrap and nickel silver scrap containing commercially recoverable nickel.
Platinum.
Scrap, ferrous and nonferrous (except antimony, bismuth, cadmium, lead, and zinc scrap).
Selenium and selenium alloys.
Tantalum:
Pure metal and chemicals.
Ferrotantalum-columbium.
Tin:
Pig tin, primary or secondary.
All other materials and alloys containing 1.5 percent or more tin.
Titanium:
Sponge.
Semifabricated shapes.
Sheets, tubes, extrusions.
Titanium-bearing alloys.
Titanium-base alloy scrap.
Tungsten: Pure metal, powder, wire, rod, sheet, chemical compounds, ferrotungsten.
Vanadium: Ferrovandium, vanadium oxide, ammonium meta-vanadate, and other vanadium-bearing products.
Zirconium: Zirconium metal, ferro-aluminum-zirconium-silicon alloys, and all other metallic compositions used as sources of zirconium in the manufacture of any alloy products.

RUBBER MATERIALS

Natural rubber, dry.

TEXTILE MATERIALS

Silk, nolls and waste.

MISCELLANEOUS

Bristles, pigs' and hogs'.

CONTAINERS AND PACKAGING MATERIALS

Collapsible tubes.
Metal cans.
Packaging closures made in whole or in part of controlled materials.¹

TABLE IB OF NPA REG. 1

(As amended December 24, 1952)

**MATERIALS SUBJECT TO SPECIFIC CALENDAR DAY
INVENTORY LIMITATION OR TO PRACTICABLE
MINIMUM WORKING INVENTORY LIMITATION,
WHICHEVER IS LESS**

(See section 5 (b))

Materials	Inventory limitation (calendar days)
Aluminum castings (before machining).....	60

¹ Packers may purchase packaging closures in carload or truckload lots provided deliveries of any size or type of packaging closures are not received or accepted until inventory of the particular size or type is less than a practicable minimum working inventory.

Materials	Inventory limitation (calendar days)
Aluminum forgings, pressings, and impact extrusions (before machining).....	60
Aluminum foil (plain coiled).....	60
Aluminum powder (atomized or flake, including paste).....	60
Components and parts for electric light bulbs and tubes.....	60
Iron.....	60
Pig iron.....	60
Steel.....	60
Forgings (rough as forged).....	60
Non-nickel-bearing stainless (i. e., containing less than 1 percent nickel).....	45
Reels and spools, shipping and packaging, wholly or in part of metal.....	160

*The practicable minimum working inventory limitation provision does not apply.

TABLE II OF NPA REG. 1

(As amended December 24, 1952)

MATERIALS SUBJECT TO SPECIAL INVENTORY RESTRICTIONS IN NPA ORDERS OR OTHER NPA REGULATIONS IN EFFECT ON DECEMBER 24, 1952

(See section 14)

Materials	NPA order or regulation
Pig tin.....	M-8
Lead-base alloys (1.5 percent or more tin).....	M-8
All other materials and alloys containing 1.5 percent or more tin.....	M-8
Copper, refined and/or scrap.....	M-16
Iron and steel scrap.....	M-20
Aluminum scrap.....	M-22
Cans.....	M-25
Steel, copper, and aluminum for electric utilities.....	M-50
Platinum and platinum scrap.....	M-54
Marine MRO.....	M-70
MRO for rail transportation systems.....	M-73
Communications.....	M-77
MRO for mining industry.....	M-78
Alloying materials:	
Boron.....	M-80
Calcium.....	M-80
Chromium.....	M-80
Cobalt.....	M-80
Columbium and tantalum.....	M-80
Manganese.....	M-80
Molybdenum, excluding pure molybdenum.....	M-80
Nickel.....	M-80
Silicon.....	M-80
Titanium.....	M-80
Tungsten, excluding pure tungsten.....	M-80
Vanadium.....	M-80
Zirconium.....	M-80
Pure tungsten.....	M-81
Pure molybdenum.....	M-81
Brass mill products.....	M-82
Copper wire mill products.....	M-86
MRO for solid fuels industry.....	M-87
Certain controlled materials in the inventory of a retailer.....	M-89
Selenium.....	M-91
Cryolite.....	M-99
Diamond grinding wheels.....	M-103
MRO for iron and steel producers.....	M-105
Steel (controlled material shapes and forms).....	CMP Reg. 2
Copper (controlled material shapes and forms).....	CMP Reg. 2
Aluminum (controlled material shapes and forms).....	CMP Reg. 2
MRO—general.....	CMP Reg. 5
MRO repairmen.....	CMP Reg. 7

Note: Interpretations 1, 2, and 3, as amended October 22, 1951, to NPA Reg. 1, remain in full force and effect.

[F. R. Doc. 52-13707; Filed, Dec. 24, 1952; 11:27 a. m.]

[NPA Designation of Scarce Materials 1, as Amended December 24, 1952]

DSM-1—DESIGNATION OF SCARCE MATERIALS AND WITHDRAWAL OF PREVIOUS DESIGNATION

This amended designation is issued pursuant to section 102 of the Defense Production Act of 1950, as amended; Executive Orders 10161, 10200, and 10281; and Defense Production Administration Delegation 1, as amended (16 F. R. 738, 4594).

Designation of Scarce Materials 1, as last amended September 9, 1952, is amended by deleting certain items from the designation of scarce materials contained in List A; by listing in List B of this amended designation such deleted items withdrawn from their previous designation as scarce materials; and by revising section 8 to reflect such withdrawal.

Sec.

1. Purpose of this designation.
2. Definition of person.
3. Designation of scarce materials.
4. Receipts of imported materials.
5. Receipts of minimum production or sales quantities.
6. Receipts of materials after adjustment of orders.
7. Applicability of other provisions of law, regulation, and orders.
8. Withdrawal of designation of scarce materials.

AUTHORITY: Sections 1 to 8 issued under sec. 704, 64 Stat. 816, Pub. Law 429, 82d Cong.; 50 U. S. C. App. Sup. 2154, Interpret or apply sec. 102, 64 Stat. 799, Pub. Law 429, 82d Cong.; 50 U. S. C. App. Sup. 2072; sec. 101, E. O. 10161, Sept. 9, 1950, 15 F. R. 6105; 3 CFR, 1950 Supp.; sec. 2, E. O. 10200, Jan. 3, 1951, 16 F. R. 61; 3 CFR, 1951 Supp.; secs. 402, 405, E. O. 10281, Aug. 28, 1951, 16 F. R. 8789; 3 CFR, 1951 Supp.

SECTION 1. Purpose of this designation. Section 102 of the Defense Production Act of 1950, as amended, provides in part that, in order to prevent hoarding, no person shall accumulate (a) in excess of the reasonable demands of business, personal, or home consumption, or (b) for the purpose of resale at prices in excess of prevailing market prices, materials which have been designated as scarce materials or materials the supply of which would be threatened by such accumulation. This designation lists certain materials as scarce materials. It also prescribes in sections 4, 5, and 6, certain conditions under which a person may accumulate such materials in excess of the reasonable demands of business, personal, or home consumption. In addition it lists other materials which are withdrawn from their previous designation as scarce.

SEC. 2. Definition of person. As used in this designation, the word "person" includes an individual, corporation, partnership, association, or any other organized group of persons, or legal successor or representative of the foregoing, and includes the United States or any agency thereof, or any other government, or any of its political subdivisions, or any agency of any of the foregoing.

SEC. 3. Designation of scarce materials. Each material included in List A of this designation, in the shapes and

forms therein described, or in all shapes and forms if no particular shape or form is therein described, is hereby designated, pursuant to section 102 of the Defense Production Act of 1950, as amended, a scarce material. Whenever "material" or "materials" is hereinafter used, it means any such designated material or materials.

SEC. 4. Receipts of imported materials. (a) Notwithstanding any provision of this designation, a person may import by land, sea, or air any material acquired by him prior to landing without regard to the reasonable demands of his business, personal, or home consumption. However, if his total quantity of a material accumulated thereby becomes in excess of the reasonable demands of his business, personal, or home consumption, he may not receive any additional amount of such material from any domestic source until his total quantity thereof has been reduced below an amount which is not in excess of the reasonable demands of his business, personal, or home consumption.

(b) Within the meaning of paragraph (a) of this section, importation by a person is not limited to the person who takes title to the material prior to landing or who pays the customs entry thereon, but includes a person who, prior to landing, purchases or contracts to purchase the material from or through an importing broker, wholesaler, or other importer, even though such broker, wholesaler, or other importer makes the customs entry in his own name, places the material on board the inland carrier for shipment to his customer, and retains title until such shipment is made. Within the meaning of paragraph (a) of this section, a material is not imported by a person who acquires such material from an importing broker, wholesaler, or other importer who took such material into his own stock or inventory.

SEC. 5. Receipts of minimum production or sales quantities. Notwithstanding any provision of this designation, in the case of materials that are mass-produced or are normally marketed only in minimum sales quantities, a person may order and receive from a producer a minimum production run of such material, or from any other supplier, a minimum sales quantity, provided it is not practicable for him to procure his needs from other suppliers in smaller quantities, even though his accumulation of such material thereby becomes in excess of the reasonable demands of his business, personal, or home consumption. After such receipt, however, he may not receive any additional amount of such material until his accumulation thereof has been reduced below an amount which is not in excess of the reasonable demands of his business, personal, or home consumption.

SEC. 6. Receipts of materials after adjustment of orders. Notwithstanding any provision of this designation, a person who has promptly instructed the supplier to reduce or defer delivery of a material under an order for such material previously placed by him with the

supplier, to the extent necessary so that his accumulation of such material will not be in excess of the reasonable demands of his business, personal, or home consumption, may accept delivery of the material involved in any of the following cases only:

(a) If the supplier has shipped the material or loaded it for shipment before receipt of the instruction to adjust the order.

(b) If the material is a special item which, before receipt of the instruction to adjust the order, the supplier has in stock or in production, or for the production of which he has acquired special components or special materials. For the purpose of this section a "special item" is one which the supplier does not usually make, stock, or sell, and cannot readily dispose of to others.

(c) If the material has already been produced or was in production before receipt of the instruction to adjust the order and cannot be used to fill other orders on the books of the producer.

SEC. 7. Applicability of other provisions of law, regulations, and orders. Nothing in sections 4, 5, and 6 of this designation shall be deemed to modify in any respect, or relieve any person from complying with, any applicable regulation, order, or other provision of law.

SEC. 8. Withdrawal of designation of scarce materials. The materials included in List B of this designation, as amended, all of which were designated as scarce materials in List A of NPA Designation of Scarce Materials 1 as amended September 9, 1952, are hereby withdrawn from such designation.

Designation of Scarce Materials 1, as amended, shall take effect December 24, 1952.

NATIONAL PRODUCTION
AUTHORITY,
By GEORGE W. AUXIER,
Executive Secretary.

LIST A—DESIGNATION OF SCARCE MATERIALS CHEMICALS

Acetylene.
Alkyl and aromatic substituted phenolic resins.
Alkyl polysulfide polymers (Thiokol-polymers, trade name).
Alpha picoline.
Argon.
Butadiene.
Calcium carbide.
Cobalt salts and driers.
Cyclohexanol.
Freon 22.
Lithium chemicals.
Lithium metal.
Nickel chemicals.
Oxygen.
Paraphenylphenol.
Paratertiary butyl phenol.
Pyrethrum.
Pyridine.
Selenium compounds.
Toluene.

FOREST PRODUCTS

Lumber:
Cedar: Port Orford.
Cypress.
Douglas fir, thick clears.
Eucalyptus: Ironbark.
Lignum vitae.
Teak.
Plywood, softwood AA grade, all thicknesses, exterior and interior; 1/2 inch, all grades, exterior.

IRON AND STEEL

Iron:

Pig iron.

Steel (carbon, including low alloy, high strength alloy, and stainless): Ingots and semifinished steel, including skelp; steel castings, rough and semifinished; structural shapes and piling; plates; rails and track accessories; wheels and axles; bars, hot-rolled, including light shapes and reinforcing; cold-finished bars; pipe; tubing; wire, wire rods, and drawn wire products; tin plate, terneplate, and tin mill black plate; hot-rolled sheet and strip; cold-rolled sheet and strip; other mill shapes and forms.

Forgings, rough as forged.

Non-nickel-bearing stainless (i. e., containing less than 1 percent nickel).

Iron and steel scrap.

METALS AND MINERALS

Aluminum:

Primary and secondary in crude form.

Semifabricated shapes, castings (including die); forgings, plate, sheet and strip; rolled structural shapes, rod, bar, and wire; extruded shapes, tube blooms, and tubing.

All aluminum and aluminum-base scrap containing commercially recoverable aluminum.

Aluminum castings (before machining).

Aluminum forgings, pressings, and impact extrusions (before machining).

Asbestos, amosite.

Asbestos, chrysotile, spinning fibers.

Asbestos, Bolivian crocidolite.

Beryllium: Metal oxides, master alloys, and compounds.

Chromium:

Chrome metal.

Ferro-chrome.

Cobalt: Cobalt metal, oxides, and hydrides.

Columbium: Pure metal and chemicals, ferro-columbium, ferro-columbium-tantalum (ferro-tantalum-columbium).

Copper:

Refined copper (fire-refined and electrolytic) including refinery shapes such as wire bars, slabs, cakes, billets, and ingots.

All other copper raw materials—blister copper, copper-base alloy ingot, copper and copper-base alloy shot and waffle, brass mill castings, copper precipitates, and intermediate shapes.

Copper and copper-base alloys: alloy plate, sheet, and strip; alloy rod, bar, and wire (including extruded shapes); alloy tube and pipe; unalloyed rod, bar, and wire (including extruded shapes); unalloyed plate, sheet, and strip; unalloyed tube and pipe; copper and copper-base alloy castings; copper powder mill products.

All copper and copper-base alloy scrap containing commercially recoverable copper.

Cryolite.

Diamond grinding wheels.

Diamonds, industrial.

Fluorspar, acid grade.

Magnesium:

Magnesium, primary and secondary ingots.

Semifabricated shapes.

All magnesium-base alloy scrap containing commercially recoverable magnesium.

Manganese: Manganese metal and ferro-manganese.

Mica, muscovite block and film, good stained and better.

Molybdenum:

Pure metal, powder, wire, rod, sheet.

Ferro-molybdenum, molybdenum oxide and molybdenum compounds.

Nickel:

Nickel, alloyed or unalloyed.

Imported nickel matte.

Nickel and nickel alloy, metal (cathode nickel, pigs, shot, and other primary forms).

Nickel—Continued

Nickel and nickel alloy, secondary.

Nickel and nickel alloy, semifinished; bars, rods, tubes, sheet bar, ingot, blooms, billets, sheet strip, and similar mill products not further manufactured.

All nickel and nickel-base alloy scrap and nickel silver scrap containing commercially recoverable nickel.

Platinum.

Scrap, ferrous and nonferrous (except antimony, bismuth, cadmium, lead and zinc scrap).

Selenium and selenium alloys.

Tantalum:

Pure metal and chemicals.

Ferrotantalum-columbium.

Tin:

Pig tin, primary or secondary.

All other materials and alloys containing 1.5 percent or more tin.

Titanium:

Sponge.

Semifabricated shapes.

Sheets, tubes, extrusions.

Titanium-bearing alloys.

Titanium-base alloy scrap.

Tungsten: Pure metal, powder, wire, rod, sheet, chemical compounds, ferrotungsten.

Vanadium: Ferrovandium, vanadium oxide, ammonium meta-vanadate and other vanadium-bearing products.

Zirconium: Zirconium metal, ferro-aluminum-zirconium-silicon alloys, and all other metallic compositions used as sources of zirconium in the manufacture of any alloy products.

RUBBER MATERIALS

Natural rubber, dry.

TEXTILE MATERIALS

Silk, noils and waste.

MISCELLANEOUS

Bristles, pigs' and hogs'.

Metal cans.

Collapsible tubes.

Packaging closures made in whole or in part of controlled materials.

Reels and spools, shipping and package (wholly or in part of metal).

LIST B—MATERIALS WITHDRAWN FROM THEIR PREVIOUS DESIGNATION AS SCARCE IN LIST A OF NPA DESIGNATION OF SCARCE MATERIALS 1, AS AMENDED SEPTEMBER 9, 1952

CHEMICALS

Bis-phenol.

Charcoal, granular.

Copper chemicals.

Methylene chloride.

Sulfur.

FOREST PRODUCTS

Pine: Southern, long leaf, upper grades.

IRON AND STEEL

Gray iron castings (excluding soil and pressure pipes and fittings), rough and semifinished.

Malleable-iron castings, rough and semifinished.

METALS AND MINERALS

Aluminum foil.

Aluminum powder, flake and paste.

Asbestos, all crocidolite except Bolivian crocidolite.

Cerium:

Cerium metal, cerium alloys, such as ferro-cerium and cerium compounds in which cerium is a recognizable component.

All scrap and waste material containing commercially recoverable cerium of the above listed types.

Electrodes, carbon.

Fluorspar (ceramic grades only).

Graphite, artificial, electrodes and anodes.

Graphite, natural.

Crucible flake.

Ceylon lump, 97 percent and higher carbon.

Iridium.

TEXTILE MATERIALS

Nylon staple and nylon filament yarn.
Rayon yarn, high tenacity.
Twine, binder and baler.

MISCELLANEOUS

Components and parts for electric light bulbs and tubes.
Cylinders, gas.
New drums, steel, shipping.
Strapping metal.

[F. R. Doc. 52-13708; Filed, Dec. 24, 1952; 11:27 a. m.]

TITLE 43—PUBLIC LANDS:
INTERIORChapter I—Bureau of Land Management,
Department of the Interior

[Circular 1836]

PART 194—POTASSIUM PERMITS AND LEASES

LIMITATION ON HOLDINGS

Section 194.26 is hereby amended to read as follows:

§ 194.26 *Limitation on holdings.* (a) No person, association, or corporation will be granted, either directly, or indirectly, or by approval of assignments, in any one State, permits for an area which when added to the area already held under permits issued under the 1927 act exceeds in the aggregate 51,200 acres, and, except as hereinafter provided, leases for an area which when added to the area already held under leases issued under the 1927 act exceeds in the aggregate 15,360 acres.

(b) Any person, association, or corporation holding acreage approximating 15,360 acres of Federal land in a single mining unit and refining development, upon a showing that the leased deposits

extend into adjoining Federal lands may, upon application to and approval of the Secretary, be granted a lease for an additional acreage of not to exceed 2,560 acres if the Secretary shall determine that such increase will result in conservation of natural resources and will provide for the most economical and efficient recovery as a single unit of a mineable deposit without waste.

(c) The Secretary may, upon a finding that the granting of such leases would be in the public interest, grant to any such lessee, leases for additional acreage not to exceed 10,240 acres in all as a separate mining unit, and may include in such additional leases a provision requiring the construction of additional refining facilities.

(Sec. 32, 41 Stat. 450; 30 U. S. C. 189)

OSCAR L. CHAPMAN,
Secretary of the Interior.

DECEMBER 19, 1952.

[F. R. Doc. 52-13571; Filed, Dec. 24, 1952; 8:54 a. m.]

TITLE 49—TRANSPORTATION

Chapter I—Interstate Commerce
Commission

Subchapter B—Carriers by Motor Vehicle

[Ex Parte MC-40]

PART 193—PARTS AND ACCESSORIES NECESSARY FOR SAFE OPERATION

QUALIFICATIONS AND MAXIMUM HOURS OF SERVICE OF EMPLOYEES OF MOTOR CARRIERS AND SAFETY OF OPERATION AND EQUIPMENT

At a general session of the Interstate Commerce Commission, held at its office

in Washington, D. C., on the 18th day of December A. D. 1952.

The matter of parts and accessories necessary for safe operation under the motor carrier safety regulations prescribed by order dated April 14, 1952, and effective July 1, 1952, being under consideration; and

It appearing, that further investigation has established facts which necessitate a postponement of the effective date of certain paragraphs of § 193.65 involving fuel tanks and containers; and good cause appearing therefor:

It is ordered, That § 193.65 (b), (e) (2), and (e) (3) be amended as follows:

1. In § 193.65 (b) substitute "June 30, 1953" where "December 31, 1952" now appears.

2. In § 193.65 (e) (2) substitute "June 30, 1953" in both instances where "December 31, 1952" now appears.

3. In § 193.65 (e) (3) substitute "June 30, 1953" in both instances where "December 31, 1952" now appears.

It is further ordered, That this order shall be effective on the date hereof and shall continue in effect until the further order of the Commission.

Notice of this order shall be given to the general public by depositing a copy thereof in the office of the Secretary of the Commission, Washington, D. C., and by filing a copy thereof with the Director, Division of the Federal Register. (49 Stat. 546, as amended; 49 U. S. C. 304)

By the Commission.

[SEAL]

GEORGE W. LAIRD,
Acting Secretary.

[F. R. Doc. 52-13594; Filed, Dec. 24, 1952; 8:49 a. m.]

PROPOSED RULE MAKING

DEPARTMENT OF LABOR

Wage and Hour Division

[29 CFR Parts 661, 662, 701, 704, 708]

PUERTO RICO: SPECIAL INDUSTRY
COMMITTEE NO. 13APPOINTMENT OF COMMITTEE TO INVESTIGATE
CONDITIONS AND RECOMMEND MINIMUM
WAGES FOR CERTAIN INDUSTRIES

1. Pursuant to authority under the Fair Labor Standards Act of 1938, as amended (52 Stat. 1060, as amended; 29 U. S. C., and Sup., 201 et seq.), I, Wm. R. McComb, Administrator of the Wage and Hour Division, United States Department of Labor, do hereby appoint and convene a special industry committee for Puerto Rico composed of the following representatives:

For the Public: Pedro Munoz-Amato, Rio Piedras, Puerto Rico; Willard Wister, San German, Puerto Rico. (Additional public member to be appointed.)

For the Employers: Ellsworth Green, Kansas City, Kansas; Enrique Campos del Toro,

San Juan, Puerto Rico; Horatio Subira, San Juan, Puerto Rico.

For the Employees: Frank Fernback, Washington, D. C.; Armando Rivero, San Juan, Puerto Rico; Carlos J. Cintron, Ponce, Puerto Rico.

2. The special industry committee herein created, in accordance with the provisions of the Fair Labor Standards Act, as amended, and regulations promulgated thereunder (Title 29, Chapter V, Code of Federal Regulations, Part 511), shall meet beginning on January 27, 1953, at 10:00 a. m. in Room 412, New York Department Store Building, Stop 16½ Ponce de Leon Avenue, Santurce, San Juan, Puerto Rico, and shall proceed to investigate conditions in the industries in Puerto Rico hereinafter enumerated and recommend to the Administrator minimum wage rates for all employees in said industries in Puerto Rico, who within the meaning of said act are "engaged in commerce or in the production of goods for commerce" excepting employees exempted by virtue of the provisions of section 13 (a) and employees coming under the provisions of section

14. Minimum wage rates recommended by the committee shall be the highest rates (not in excess of 75 cents per hour) which it determines will not substantially curtail employment in such industries and will not give any industry in Puerto Rico a competitive advantage over any industry in the United States outside of Puerto Rico.

Said special industry committee shall investigate conditions respecting, and recommend minimum wage rates for, the employees in the leather, leather goods, and related products industry, the banking, insurance, and finance industries, the cement industry, the straw, hair, and related products division of the rubber, straw, hair, and related products industry, the heavy products and industrial equipment division of the metal, plastics, machinery, instrument, transportation equipment, and allied industries.

3. For the purpose of this order these industries are defined as follows:

Leather, leather goods, and related products industry. The curing, tanning, or other processing of hides, skins,

leather or furs and the manufacture of products therefrom; the manufacture from artificial leather, fabric, or similar materials of suitcases, brief cases, wallets, billfolds, coin purses, card cases, key cases, cigarette cases, watch straps, pouches, tie cases, toilet kits, checkbook covers, and like articles; and the manufacture of baseballs and softballs covered with leather, artificial leather, fabric or similar materials: *Provided, however*, That this definition shall not include any product or activity included in the shoe manufacturing and allied industries, the button, buckle, and jewelry industry, the needlework and fabricated textile products industry, or the men's and boys' clothing and related products industry, as defined in the wage orders for those industries in Puerto Rico (29 CFR Parts 655, 686, 697, and 703).

Banking, insurance, and finance industries. The business, whether or not for profit, carried on by any banking, insurance, or other financial institution or enterprise.

Cement industry. The manufacture of hydraulic cement, including the extraction of raw materials therefor.

Straw, hair, and related products division of the rubber, straw, hair, and related products industry. The manufacture of all products (except hand-made or hand-woven) made wholly or chiefly of straw, raffia, sisal, maguey, palm leaves, rushes, grasses, hair, hair bristles, feathers and similar materials.¹

Heavy products and industrial equipment division of the metal, plastics, machinery, instrument, transportation equipment, and allied industries. The mining or other extraction of metal ore and the further processing of such ore into metal; the production of pigs, ingots, plates, sheets, bars, rods, tubing, wire and other primary metal products; the galvanizing, coating, electroplating and plating of metal products; the fabrication of structural metal products; and the manufacture (including repair) of foundry and machine-shop products, industrial, agricultural and commercial (except office) machinery and equipment,

¹ The straw, hair and related products division is part of the rubber, straw, hair, and related products industry in Puerto Rico, which is defined as follows (29 CFR Part 708):

The manufacture of all products made wholly or chiefly of rubber, and the manufacture of all products (except hand-made or hand-woven) made wholly or chiefly of straw, raffia, sisal, maguey, palm leaves, rushes, grasses, hair, hair bristles, feathers and similar materials: *Provided, however*, That this definition shall not include any product or activity included in the definition of the handicraft products industry, the needlework and fabricated textile products industry, the men's and boys' clothing and related products industry, the textile and textile products industry, the button, buckle, and jewelry industry, the decorations and party favors industry, the artificial flower industry, or the shoe manufacturing and allied industries, as defined in the wage orders for those industries in Puerto Rico (29 CFR Parts 655, 686, 688, 697, 699, 702, 703, 705).

transportation equipment (except children's vehicles), and ordnance.²

Signed at Washington, D. C., this 22d day of December 1952.

WM. R. McCOMB,
Administrator,
Wage and Hour Division.

[F. R. Doc. 52-13605; Filed, Dec. 24, 1952;
8:52 a. m.]

DEPARTMENT OF LABOR

Office of the Secretary

[41 CFR Part 202]

MINIMUM WAGE DETERMINATIONS

DETERMINATION OF PREVAILING MINIMUM WAGE FOR TEXTILE INDUSTRY; EXTENSION OF TIME FOR FILING EXCEPTIONS

On December 11, 1952, notice of a proposed amendment to the textile industry wage determination was published in the Federal Register (17 F. R. 11197) as corrected (17 F. R. 11668) which gave interested parties 15 days for filing exceptions to the proposed determination.

Petitions have been filed requesting additional time for submitting exceptions. It appears that an extension is reasonable and warranted under the circumstances presented by the petitioners.

Notice is hereby given that the time for submitting such exceptions is extended from the date of December 26, 1952, to January 10, 1953.

Signed at Washington, D. C., this 23d day of December 1952.

MAURICE J. TOBIN,
Secretary of Labor.

[F. R. Doc. 52-13663; Filed, Dec. 23, 1952;
4:22 p. m.]

² The heavy products and industrial equipment division is part of the metal, plastics, machinery, instrument, transportation equipment, and allied industries in Puerto Rico, which is defined as follows (29 CFR Part 701):

The mining or other extraction of metal ore and the further processing of such ore into metal; the manufacture (including repair) of any product or part made wholly or chiefly of metal or plastics; and the manufacture (including repair) from any material of machinery, instruments, ophthalmic goods, tools, electrical goods, transportation equipment, and ordnance: *Provided, however*, That the definition shall not include (1) the production of any basic material other than metal, (2) the further processing of any basic material other than metal or plastics except when done by an establishment producing from such materials a product of this industry or subassembly of such product, (3) the manufacture from plastic materials of fibers, yarns, and fabrics and the fabrication of products therefrom, (4) any sewing or similar fabricating operations performed upon pliable plastics in sheet or film form or any other operations incidental thereto, (5) the manufacture from pliable plastics in sheet or film form of articles also commonly produced from paper, such as bags, containers, cards, drinking straws, and similar articles, or (6) any activity included within the button, buckle, and jewelry industry, the shoe manufacturing and allied industries, or the decorations and party favors industry, as defined in the wage orders for those industries in Puerto Rico (29 CFR Parts 686, 697, and 705).

NOTICES

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

ALASKA

SHORESPACE RESTORATION ORDER NO. 496
AND SMALL TRACT CLASSIFICATION NO. 68

DECEMBER 17, 1952.

1. By virtue of the authority contained in the act of June 5, 1920 (41 Stat. 1059; 48 U. S. C. 372), and pursuant to Delegation of Authority contained in sections 2.21 and 2.22 (a) (3) of Order No. 1, Bureau of Land Management, Region VII, approved by the Acting Secretary of the Interior on August 20, 1951 (16 F. R. 8625), it is ordered as follows:

(a) Subject to valid existing rights, the 80-rod shorespace reserve which is now or may hereafter be created under the act of May 14, 1898 (30 Stat. 409; 48 U. S. C. 371), as amended, is hereby revoked as to the public lands herein-after described, which are situated in the Anchorage Alaska Land District and which are hereby classified as chiefly valuable for leasing and sale under the Small Tract Act of June 1, 1938 (52 Stat. 609; 43 U. S. C. 682a), as amended:

KETCHIKAN AREA

PENNOCK ISLAND UNIT NO. 1A

For Lease and Sale

For cabin sites:

U. S. Survey 2991: Lots 26, 27, 28, 29, and 30.
U. S. Survey 2992: Lot 38.

The above described areas comprise 6 tracts aggregating approximately 2.54 acres.

(b) The following described public lands, which are situated in the Anchorage Alaska Land District, are hereby classified as chiefly valuable for lease and sale under the Small Tract Act of June 1, 1938 (52 Stat. 609; 43 U. S. C. 682a), as amended:

KETCHIKAN AREA

PENNOCK ISLAND UNIT NO. 1B

For Lease and Sale

For cabin sites:

U. S. Survey 2989: Lots 1, 2, and 3.
U. S. Survey 2992: Lots 32-35 inclusive, and Lots 36A, 36B, 36C, and Lot 37.

The above described areas comprise 11 tracts aggregating approximately 5.71 acres.

2. The lands are situated on Pennock Island, approximately five-eighths of a mile southwest of the main business district of Ketchikan. Pennock Island, is accessible from Ketchikan only by boat, and the interior of the island is accessible only by foot. The vegetative cover of the lands in issue consists mainly of Sitka Spruce and Western Hemlock, with a predominant ground cover of Labrador tea and blueberry. Topographically the lands are composed mainly of sand, gravel and rocky beaches which grade into rocky uplands overlain by a thin mantle of soil. The climate of the area is a distinctive marine type, characterized by mild winters and cool summers, with heavy precipitation experienced throughout most of the year. Part of

the lands are presently served by public utilities furnished via a marine cable from Ketchikan. Adequate water for domestic uses may be obtained from water systems supplied by shallow wells or by cisterns, and sewage disposal may be made through the use of cesspools and septic tanks. Commercial, school and church facilities are available at Ketchikan.

3. This classification order shall not become effective to change the status of any lands described herein or to permit the leasing of any such lands under the Small Tract Act of June 1, 1938, cited above, until 10:00 a. m. on January 7, 1953. At that time, the lands shall, subject to valid existing rights and the provisions of existing withdrawals, become subject to application as follows:

(a) *Ninety-one day period for preference right filings.* For a period of 91 days from 10:00 a. m. on January 7, 1953, to close of business on April 7, 1953, inclusive, to (1) application under the Small Tract Act of June 1, 1938, by qualified veterans of World War II, for whose service recognition is granted by the act of September 27, 1944 (58 Stat. 747, 43 U. S. C. Secs. 279, 282), as amended, and by other qualified persons entitled to credit for service under the said act, subject to the requirements of applicable law, and (2) applications under any applicable public land laws, based on prior existing valid settlement and preference rights conferred by existing laws or equitable claims subject to allowance and confirmation. Application by such veterans and by other persons entitled to credit for service shall be subject to claims of the classes described in subdivision (2).

(b) *Advance period for simultaneous preference right filings.* All applications by such veterans and persons claiming preference rights superior to those of such veterans filed on December 17, 1952, or thereafter, up to and including 10:00 a. m. on January 7, 1953, shall be treated as simultaneously filed.

(c) *Date for non-preference right filings authorized by the public land laws.* Commencing at 10:00 a. m. on April 8, 1953, any of the land remaining unappropriated shall become subject to application under the Small Tract Act by the public generally.

(d) *Advance period for simultaneous non-preference right filings.* Applications under the Small Tract Act by the general public filed on March 18, 1953, or thereafter, up to and including 10:00 a. m. on April 8, 1953, shall be treated as simultaneously filed.

4. A veteran shall accompany his application with a complete photostatic, or other copy (both sides) of his certificate of honorable discharge, or of an official document of his branch of service which shows clearly his honorable discharge as defined in § 181.36 of Title 43 of the Code of Federal Regulations, or constitutes evidence of other facts upon which the claim for preference is based and which shows clearly the period of service. Other persons claiming credit for service of veterans must furnish like proof in support of their claim. Persons asserting preference rights, through settlement

or otherwise, and those having equitable claim, shall accompany their applications by duly corroborated statements in support thereof, setting forth in detail all facts relevant to their claims.

5. All applications referred to in paragraphs 3 and 4, which shall be filed in the Land Office at Anchorage, Alaska, shall be acted upon in accordance with the regulations contained in § 295.8 of Title 43 of the Code of Federal Regulations to the extent that such regulations are applicable. Applications under the Small Tract Act of June 1, 1938, shall be governed by the regulations contained in Part 257 of Title 43 of the Code of Federal Regulations.

6. Lessees under the Small Tract Act of June 1, 1938, will be required, within a reasonable time after execution of the lease, to construct upon the leased land, to the satisfaction of the appropriate officer of the Bureau of Land Management authorized to sign the lease, improvements which, in the circumstances, are presentable, substantial and appropriate for the use for which the lease is issued. Leases will be for a period of not more than three years, at an annual rental of \$5.00, payable in advance for the entire lease period. Every lease will contain an option to purchase clause and every lessee may file an application to purchase at the sale price as provided in the lease.

7. All of the land will be leased in tracts varying in size from approximately 0.09 acre to approximately 1.18 acres, in accordance with the classification map on file in the Land Office, Anchorage, Alaska.

8. Lessees must locate any well, water supply system, or sewage disposal facility according to the laws and regulations of the Territory of Alaska.

9. The leases will be made subject to rights-of-way for road purposes and public utilities, of 33 feet in width, along tract boundaries, or as shown on the classification maps on file in the Land Office, Anchorage, Alaska. Such rights-of-way may be utilized by the Federal Government, or the State or Territory, county or municipality, or by any agency thereof. The rights-of-way may, in the discretion of the authorized officer of the Bureau of Land Management, be definitely located prior to the issuance of the patent. If not so located, they may be subject to location after patent is issued.

10. All inquiries relating to these lands shall be addressed to the Manager, Land Office, Anchorage, Alaska.

FRED J. WEILER,
Chief,

Division of Land Planning.

[F. R. Doc. 52-13572; Filed, Dec. 24, 1952;
8:46 a. m.]

DEPARTMENT OF COMMERCE

Federal Maritime Board

COMPANIA NAVIERA INDEPENDENCIA, S. A.
(INDEPENDENCE LINE) ET AL.

NOTICE OF AGREEMENTS FILED FOR APPROVAL

Notice is hereby given that the following described agreements have been filed with the Board for approval pur-

suant to section 15 of the Shipping Act, 1916, as amended.

(1) Agreement No. 7854 between Compania Naviera Independencia, S. A. (Independence Line) and Flota Mercante Grancolombiana, S. A., covers the transportation of cargo under through bills of lading from the Pacific Coast of Central America to New Orleans, Houston, Galveston, and New York, with transshipment at Cristobal, Canal Zone.

(2) Agreement No. 7884 between Panama Canal Company (Panama Line) and Compania Naviera Independencia, S. A. (Independence Line) covers transportation of cargo on through bills of lading from Pacific Coast of Central America to New York, with transshipment at Cristobal, Canal Zone.

Interested parties may inspect these agreements and obtain copies thereof at the Regulation Office, Federal Maritime Board, Washington, D. C., and may submit, within 20 days after publication of this notice in the FEDERAL REGISTER, written statements with reference to either of the agreements and their position as to approval, disapproval, or modification, together with request for hearing should such hearing be desired.

Dated: December 22, 1952.

By order of the Federal Maritime Board.

[SEAL] A. J. WILLIAMS,
Secretary.

[F. R. Doc. 52-13607; Filed, Dec. 24, 1952;
8:53 a. m.]

ECONOMIC STABILIZATION AGENCY

Office of Price Stabilization

[Ceiling Price Regulation 32, Supplementary Regulation 2, Section 3, Special Order 41]

NORTH TEPETATE FIELD, ACADIA PARISH,
LOUISIANA

CRUDE PETROLEUM CEILING PRICES ADJUSTED ON AN IN-LINE BASIS

Statement of considerations. This special order adjusts the ceiling price for the sale of crude petroleum produced from the North Tepetate Field, Acadia Parish, Louisiana.

The Office of Price Stabilization has been requested to eliminate the differentials heretofore imposed upon crude petroleum produced from the North Tepetate Field, Acadia Parish, Louisiana. During the base period there was a lack of competitive factors and curtailed production of condensate caused by a lack of outlets for natural gas and as a result, this crude condensate was sold at a lower price than that paid for crude condensate of comparable quality produced in this same general area. It appears that this condition has now been eliminated and these differentials should no longer be imposed.

From the information available to this Office, it appears that this requested ceiling price of \$2.85 per barrel flat does not exceed the ceiling price of compa-

able crude condensate produced in this same area.

Special provisions. For the reasons set forth in the Statement of Considerations and pursuant to the provisions of Section 3 of Supplementary Regulation 2 to Ceiling Price Regulation 32, it is ordered:

1. That the ceiling price at the lease receiving tank for crude condensate produced from the North Tepehate Field, Acadia Parish, Louisiana shall be: \$2.85 per barrel flat.

2. All provisions of Ceiling Price Regulation 32, except as inconsistent with the provisions of this order, shall remain in full force and effect as to the commodities covered by this order.

3. This order may be amended, modified or revoked by the Director of Price Stabilization at any time.

Effective date. This special order shall become effective on December 23, 1952.

JOSEPH H. FREEHILL,
Director of Price Stabilization.

DECEMBER 22, 1952.

[F. R. Doc. 52-13588; Filed, Dec. 22, 1952;
12:21 p. m.]

[Delegation of Authority No. 87]

DIRECTORS OF REGIONAL OFFICES

DELEGATION OF AUTHORITY TO ACT UNDER SECTION 3 (C) OF SUPPLEMENTARY REGULATION 3, AS AMENDED, TO CEILING PRICE REGULATION 34, AS AMENDED

By virtue of the authority vested in me as Director of Price Stabilization, pursuant to the Defense Production Act of 1950, as amended (64 Stat. 798, 803; 65 Stat. 131; 66 Stat. 296), Executive Order 10161 (15 F. R. 6105) and Economic Stabilization Agency General Order No. 2, as amended (16 F. R. 738, 11626), this delegation of authority is hereby issued.

1. **Authority to act under section 3 (c) of Supplementary Regulation 3, as amended, to CPR 34, as amended.** Authority is hereby delegated to the Directors of the Regional Offices of the Office of Price Stabilization to process the applications filed under section 3 (c) of Supplementary Regulation 3, as amended, to Ceiling Price Regulation 34, as amended, by sellers of automotive repair service; to issue letter orders permitting such sellers to substitute approved editions, of or supplements to flat rate manuals or labor time schedules in place of altered flat rate manuals or labor time schedules; and to modify the established customers' hourly rates of such sellers.

2. **Redelegation of authority.** The authority hereby delegated may be redelegated to the Directors of the District Offices of the Office of Price Stabilization.

This Delegation of Authority shall take effect on December 23, 1952.

JOSEPH H. FREEHILL,
Director of Price Stabilization.

DECEMBER 23, 1952.

[F. R. Doc. 52-13628; Filed, Dec. 23, 1952;
12:30 p. m.]

[Delegation of Authority 75, Amdt. 1]

DIRECTORS OF THE REGIONAL OFFICES

DELEGATION OF AUTHORITY TO ACT ON APPLICATIONS FOR CEILING PRICES OF NEW COMMODITIES BY MANUFACTURERS HAVING ANNUAL SALES OF LESS THAN \$1,000,000 UNDER CPR 161

By virtue of the authority vested in the Director of Price Stabilization, pursuant to the Defense Production Act of 1950, as amended (64 Stat. 798, 803; 65 Stat. 131; 66 Stat. 296), Executive Order 10161 (15 F. R. 6105), and Economic Stabilization Agency General Order No. 2, as amended (16 F. R. 738, 11626), this Amendment 1 to Delegation of Authority 75 is hereby issued.

Delegation of Authority 75 is amended to read as follows:

1. **Authority to act under sections 3, 4, 5, 6, 9 and 15 of CPR 161.** Authority is hereby delegated to the Directors of the Regional Offices of the Office of Price Stabilization to process in the respects indicated herein ceiling price reports or applications for new commodities filed under CPR 161, by manufacturers whose gross sales for their last complete fiscal year of commodities manufactured by them were less than \$1,000,000, or by new manufacturers who do not expect their gross sales to exceed \$1,000,000 during their first complete fiscal year.

(a) To approve, or disapprove proposed ceiling prices for new commodities under sections 3, 4 and 5 of CPR 161;

(b) To issue letter orders as provided in section 6 of CPR 161, establishing ceiling prices of new commodities for which a ceiling price cannot be calculated under sections 3, 4 and 5 of CPR 161;

(c) To issue letter orders disapproving or reducing ceiling prices reported or proposed as provided in section 9 of CPR 161;

(d) To request additional information, as provided in section 15 of CPR 161, where applicants submit proposed ceiling prices for new commodities under sections 3, 4, 5 and 6 of CPR 161.

2. **Redelegation of authority.** The authority hereby delegated may be redelegated to the Directors of the District Offices of the Office of Price Stabilization.

This Amendment 1 to Delegation of Authority 75 shall be effective on December 26, 1952.

JOSEPH H. FREEHILL,
Director of Price Stabilization.

DECEMBER 24, 1952.

[F. R. Doc. 52-13713; Filed, Dec. 24, 1952;
11:34 a. m.]

FEDERAL POWER COMMISSION

[Docket No. E-6355]

IDAHO POWER CO.

NOTICE OF ORDER AUTHORIZING FURTHER EXTENSION OF TIME

DECEMBER 19, 1952.

Notice is hereby given that on December 18, 1952, the Federal Power Commission issued its order entered December 16, 1952, authorizing further extension

of time to and including June 30, 1953, for consummating transaction in the above-entitled matter.

[SEAL]

LEON M. FUQUAY,
Secretary.

[F. R. Doc. 52-13573; Filed, Dec. 24, 1952;
8:46 a. m.]

[Docket Nos. G-1116, G-1240, G-1317, G-1344, G-1417, G-1152, G-1415, G-1379, G-1457, G-1509, G-1616, G-1625, G-1659]

PANHANDLE EASTERN PIPE LINE CO. ET AL.

NOTICE OF CONTINUANCE OF HEARING

DECEMBER 18, 1952.

In the matters of Panhandle Eastern Pipe Line Company, Docket Nos. G-1116, G-1240, G-1317, G-1344 and G-1417; City of Port Huron, City of Marysville, City of St. Clair, Michigan, municipal corporations, Docket No. G-1152; South-eastern Michigan Gas Company, Docket No. G-1415; Michigan Consolidated Gas Company, complainant, v. Panhandle Eastern Pipe Line Company, Docket No. G-1379; Northern Indiana Fuel and Light Company, Docket No. G-1457; Missouri Central Natural Gas Company, Docket No. G-1509; The Central West Utility Company, Docket No. G-1616; Michigan Gas Utilities Company, Docket No. G-1625; City of Auburn, Illinois, Docket No. G-1659.

Notice is hereby given that the hearing in the above-designated matters, now scheduled to resume on January 13, 1953, will be further recessed by the Presiding Examiner until 10:00 a. m., January 26, 1953, at the Commission's hearing room, 1800 Pennsylvania Avenue NW., Washington, D. C.

[SEAL]

LEON M. FUQUAY,
Secretary.

[F. R. Doc. 52-13574; Filed, Dec. 24, 1952;
8:46 a. m.]

[Docket No. G-2094]

PANHANDLE EASTERN PIPE LINE CO.

NOTICE OF APPLICATION

DECEMBER 19, 1952.

Take notice that Panhandle Eastern Pipe Line Company (Applicant), a Delaware corporation, address 1221 Baltimore Avenue, Kansas City 6, Missouri, filed on November 28, 1952, an application in the alternative for (1) a disclaimer of jurisdiction or (2) a certificate of public convenience and necessity authorizing service of natural gas on an interruptible basis to the soybean processing plant of Allied Mills, Inc., located near Taylorville, Illinois.

In connection with the service Applicant proposes to construct and operate a measuring and regulating station which Applicant states will be used exclusively for distribution purposes. The volume of gas Applicant proposes to sell to Allied Mills, Inc., is up to 2,000 Mcf per day. This gas is proposed to be used for the generation of steam which will be used in the processing of soybean oil and soybean oil meal.

The estimated cost of the facilities Applicant proposes to construct and operate is \$9,100. Financing will be out of current funds on hand.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before the 8th day of January 1953. The application is on file with the Commission for public inspection.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 52-13575; Filed, Dec. 24, 1952;
8:46 a. m.]

[Docket No. G-2095]

TEXAS EASTERN TRANSMISSION CORP. AND
TRANSCONTINENTAL GAS PIPE LINE CORP.

NOTICE OF APPLICATION

DECEMBER 19, 1952.

Take notice that on November 28, 1952, Texas Eastern Transmission Corporation (Texas Eastern) and Transcontinental Gas Pipe Line Corporation (Transcontinental), each a Delaware corporation with its principal place of business at Shreveport, Louisiana, and Houston, Texas, respectively, filed a joint application for a certificate of public convenience and necessity pursuant to section 7 of the Natural Gas Act authorizing Transcontinental to transport and deliver certain quantities of gas to Public Service Electric and Gas Company (Public Service) for the account of Texas Eastern and authorizing Texas Eastern to make similar quantities of gas available to Transcontinental by means of exchange deliveries to the Philadelphia Gas Works Company and Philadelphia Electric Company for the account of Transcontinental.

On October 6, 1952, Public Service was issued a certificate of public convenience and necessity in Docket No. G-2021, authorizing it to construct and operate facilities to enable it to receive gas from Texas Eastern in quantities commencing at a maximum daily quantity of 28,800 Mcf. Applicants allege that Public Service needs such quantities of gas in advance of the date of completion of construction of facilities authorized in Docket No. G-2021. Under an agreement between Texas Eastern, Transcontinental, Public Service, the Philadelphia Gas Works, and Philadelphia Electric Company, Transcontinental would deliver to Public Service quantities of gas up to 30,000 Mcf per day through its existing facilities serving Public Service, and in return therefor, Texas Eastern would make gas available to the Philadelphia Gas Works, Inc., and Philadelphia Electric Company, through existing facilities, for the account of Transcontinental. No new facilities would be constructed. Texas Eastern and Transcontinental request that a temporary certificate authorizing such operations be issued.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the Commission's rules and regulations, on or before the 8th day of January 1953.

The application is on file with the Commission and open to public inspection.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 52-13576; Filed, Dec. 24, 1952;
8:47 a. m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 54-168]

ELECTRIC BOND AND SHARE CO.

ORDER CONTAINING RECITALS IN ACCORDANCE
WITH SUPPLEMENT R OF THE INTERNAL
REVENUE CODE

DECEMBER 18, 1952.

Electric Bond and Share Company ("Bond and Share") a registered holding company, being under commitment to dispose of all of its holdings of the common stock of the Washington Water Power Company, and having notified the Commission pursuant to Rule U-44 (c) of the rules and regulations promulgated under the Public Utility Holding Company Act of 1935, of its intention to sell to the Washington Water Power Company 11,500 shares of the common stock of that Company at the price of \$26 per share, the closing price of that stock on the New York Stock Exchange on December 16, 1952, such sale to be without payment of any fees or commissions; and

Bond and Share having requested that the Commission issue an order containing findings and recitals in accordance with the meaning and requirements of the Internal Revenue Code, as amended, including section 1808 (f) and Supplement R thereof; and

The Commission having notified Bond and Share, pursuant to said Rule U-44 (c), that no declaration need be filed with respect to the proposed transaction:

It is ordered and recited, That the sale and transfer by Electric Bond and Share Company of 11,500 shares of common stock of the Washington Water Power Company to the Washington Water Power Company is necessary or appropriate to the integration of or simplification of the holding company system of which Electric Bond and Share Company is a member and is necessary or appropriate to effectuate the provisions of section 11 (b) of the Public Utility Holding Company Act of 1935, all in accordance with the meaning and requirements of the Internal Revenue Code and section 1808 (f) and Supplement R thereof.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 52-13580; Filed, Dec. 24, 1952;
8:48 a. m.]

[File No. 70-2962]

AMERICAN GAS AND ELECTRIC CO.

ORDER REGARDING RECLASSIFICATION OF
COMMON STOCK AND ISSUANCE OF SHARES
AND STOCK DIVIDENDS

DECEMBER 19, 1952.

American Gas and Electric Company ("American Gas"), a registered holding

company, having filed a declaration and an amendment thereto pursuant to the Public Utility Holding Company Act of 1935, particularly sections 6 and 7 thereof, and Rule U-62 of the rules and regulations promulgated thereunder with respect to the following proposed transactions:

American Gas presently has outstanding 10,041,081 shares of \$10 par value common stock. The declaration proposes (1) the reclassification of said shares into 20,082,162 shares of \$5 par value common stock, and the issuance of two shares of the \$5 par value common stock for each one share of the \$10 par value common stock presently held; and (2) the issuance of a stock dividend which is summarized as follows:

On October 29, 1952, the board of directors of American Gas declared a stock dividend at the rate of one share of \$10 par value common stock for each forty shares of such stock outstanding in the hands of the public, payable March 10, 1953, to holders of record on February 2, 1953. In the event that the stock reclassification heretofore described shall have become effective on or prior to March 10, 1953, the stock dividend will be at the rate of two shares of \$5 par value common stock for each share of the \$10 par value common stock which would have been distributable had such reclassification not become effective.

The proposed stock dividend will result in the issuance of 146,913 shares of \$10 par value common stock. American Gas proposes to reflect this transaction by debiting earned surplus in the amount of \$8,080,215 (an assigned value of \$55 per share) and crediting the common stock account with \$1,469,130 and premium on capital stock in the amount of \$6,611,085. As of September 30, 1952, the earned surplus of American Gas was \$71,551,606.

In connection with the stock dividend, the declaration, as amended, states that no fractional shares of the common stock of American Gas will be issued. In lieu thereof, American Gas will mail a letter on March 10, 1953, to each stockholder of record on February 2, 1953, who would otherwise be entitled to a fractional share, advising such holder that for a period of not less than twenty days the Guaranty Trust Company of New York, as depositary, will take the following course of action upon direction of the stockholder with respect to the fractional interests: (1) Consolidate such fractional interest into one full share of common stock upon payment by such holder to the depositary of the cost of the additional fractional interest required to make up one full share, or (2) sell such fractional interest on behalf of such holder. Stockholders will be advised in the letter of transmittal that if the depositary shall not have received instructions from the holder prior to the expiration of the period as to the course of action to be taken with respect to the fractional interest, then the depositary will sell such fractional interest for the account of such holder. The services of the depositary in effecting consolidation of fractional interests or disposing of fractional interests will be rendered without charge to the stockholders.

The declaration, as amended, further states that in the event the requests for consolidation of fractional interests require an aggregate number of shares of common stock of American Gas greater than that represented by all the fractional interests, the depository will acquire such additional shares as may be necessary by purchase on the New York Stock Exchange, or otherwise. In the event that at the expiration of the period there shall remain any of the aggregate number of shares represented by fractional interests, then the depository will sell the balance of such shares upon the New York Stock Exchange, or otherwise, and will remit the cash proceeds derived therefrom to the holders of shares of common stock of American Gas entitled thereto.

Said declaration having been filed on November 20, 1952, an amendment thereto having been filed on December 16, 1952, notice of said filing having been given in the form and manner required by Rule U-23 promulgated pursuant to said act, the Commission not having received a request for hearing within the time specified in said notice or otherwise, and the Commission not having ordered a hearing thereon; and

The Commission finding that the proposed transactions are in accordance with the applicable standards of the act, that no adverse findings are necessary thereunder, and that it is unnecessary to impose terms and conditions in connection therewith, other than that set forth below regarding submission of the material to be sent to stockholders in connection with stock dividend; the Commission also finding that the fees to be paid in connection with the proposed transactions, including the fee of Simpson Thacher & Bartlett, counsel to the Company, in the amount of \$2,500, are not unreasonable, and the Commission deeming it appropriate to permit said declaration, as amended, to become effective:

It is ordered, Pursuant to Rule U-23 and the applicable provisions of the act, and subject to the terms and conditions contained in Rule U-24 that said declaration, as amended, be, and the same hereby is, permitted to become effective forthwith, subject to the condition that the material to be sent to stockholders in connection with the stock dividend shall be submitted to the Commission prior to the mailing thereof, and the Commission shall have taken no adverse action in connection therewith.

By the Commission,

[SEAL] ORVAL L. DuBOIS,
Secretary.

[F. R. Doc. 52-13577; Filed, Dec. 24, 1952;
8:47 a. m.]

[File No. 70-2969]

UNITED GAS CORP. AND UNION
PRODUCING CO.

ORDER AUTHORIZING LOAN TO SUBSIDIARY

DECEMBER 19, 1952.

United Gas Corporation ("United"), a gas utility subsidiary of Electric Bond and Share Company, a registered hold-

ing company, and United's wholly owned subsidiary, Union Producing Company ("Union"), having filed an application-declaration pursuant to sections 6 (a), 7, 9 (a), 10 and 12 of the Public Utility Holding Company Act of 1935, with respect to the following transactions:

United proposes to lend to Union and the latter proposes to borrow from United not to exceed an aggregate amount of \$4,000,000 during the period following the date of the entry of the Commission's order herein to the end of 1953, in such installments and at such times as funds may be required and requested by Union. The proceeds of the loan will be used by Union to increase its working capital and to finance in part its leasing, development and drilling program.

The proposed loan will be evidenced by unsecured promissory notes issued by Union to United or order, from time to time, payable on or before six years from the date of issuance and bearing interest at the rate of 5 percent per annum.

The application-declaration states that the promissory notes of Union acquired by United will be pledged under United's Mortgage and Deed of Trust securing its outstanding first mortgage and collateral trust bonds.

The applicants-declarants request that the Commission issue its order herein as promptly as may be practicable and that such order become effective forthwith upon the issuance thereof.

Due notice having been given of the filing of the application-declaration, and a hearing not having been requested nor ordered by the Commission; and the Commission finding that the applicable provisions of the act and the rules promulgated thereunder are satisfied, and that no adverse findings are necessary, and deeming it appropriate in the public interest and in the interest of investors and consumers that said application-declaration be granted and permitted to become effective, forthwith:

It is ordered, Pursuant to Rule U-23 and the applicable provisions of the act that said application-declaration be, and hereby is, granted and permitted to become effective, forthwith, subject to the terms and conditions prescribed in Rule U-24.

By the Commission,

[SEAL] ORVAL L. DuBOIS,
Secretary.

[F. R. Doc. 52-13578; Filed, Dec. 24, 1952;
8:47 a. m.]

[File No. 70-2972]

EBASCO SERVICES, INC.

ORDER CONCERNING ACQUISITION OF SUBSIDIARY OF SERVICE COMPANY TO PERFORM CERTAIN CONTRACTS IN WESTERN HEMISPHERE

DECEMBER 19, 1952.

Ebasco Services, Incorporated ("Ebasco"), a wholly owned service company subsidiary of Electric Bond and Share Company, a registered holding company, having filed an application pursuant to the Public Utility Holding Company Act of 1935, particularly sections 9 and 10 thereof, with respect to the following proposed transactions:

Ebasco has entered into a contract with Cerro de Pasco Copper Corporation of New York ("Cerro"), whereby Ebasco has undertaken to perform certain engineering and construction supervision services in connection with the erection by Cerro of a new hydroelectric development in the Republic of Peru, together with related transmission and other facilities, which construction, it is estimated, will cost over \$21,000,000.

The application states that much of the engineering work on this project has already been completed by Ebasco and that construction work is now in progress. The application further states that inasmuch as most of the supervision work to be performed by Ebasco will be done in Peru, that it will be desirable that such work be carried out by a wholly owned subsidiary of Ebasco which may qualify as a Western Hemisphere Trade Corporation within the meaning of section 109 of the United States Internal Revenue Code. Ebasco therefore proposes to utilize a wholly owned Delaware corporation for this purpose.

This corporation, Meridian Engineering Company ("Meridian"), was organized in 1944 by Reid & Priest, counsel for Ebasco, primarily for the purpose of preserving in Delaware the name "Meridian Engineering Company". That company has remained inactive. Ebasco now proposes to pay Reid & Priest out-of-pocket costs incurred in connection with the formation of Meridian; to have the incorporators of Meridian elect as its directors certain persons who are presently officers of Ebasco; to change the name of Meridian to Ebasco Engineering Corporation ("Ebasco Engineering"); and to change the authorized capital stock from 100 shares of \$10 par value common stock to 1,000 shares of \$50 par value common stock, all of which shares are to be subscribed for by Ebasco for a total cash consideration of \$50,000, which funds will provide Ebasco Engineering with working capital required for its operations. The contract with Cerro will be in part assigned to Ebasco Engineering.

The application states further that Ebasco Engineering may from time to time do other engineering work in the Western Hemisphere outside of the United States or, under appropriate circumstances not presently contemplated, either within the United States or elsewhere in the world. It is stated that Ebasco Engineering will not perform any services for any associated company except upon the same basis that would be applicable to such services if they were being performed directly by Ebasco, and Ebasco stipulates that the same conditions will apply to Ebasco Engineering as would apply to Ebasco under any present or future order of this Commission.

Said application having been filed on December 1, 1952, notice of said filing having been given in the form and manner required by Rule U-23 promulgated pursuant to said act, the Commission not having received a request for hearing within the time specified in said notice, or otherwise, and the Commission not having ordered a hearing thereon; and

The Commission finding that the proposed transactions are in accordance with the applicable standards of the act, that no adverse findings are necessary thereunder and that the proposed transaction do not have any of the adverse tendencies set forth in section 10, and the Commission deeming it appropriate to grant said application without the imposition of terms or conditions:

It is ordered, Pursuant to Rule U-23 and the applicable provisions of said act, and subject to the terms and conditions contained in rule U-24, that said application be, and the same hereby is, granted forthwith.

By the Commission.

[SEAL] ORVAL L. DuBois,
Secretary.

[F. R. Doc. 52-13579; Filed, Dec. 24, 1952;
8:47 a. m.]

INTERSTATE COMMERCE COMMISSION

[4th Sec. Application 27647]

SEWER PIPE FROM POINTS IN ILLINOIS AND
ST. LOUIS, MO., TO SOUTHERN TERRITORY

APPLICATION FOR RELIEF

DECEMBER 22, 1952.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: F. C. Kratzmeir, Agent, for carriers parties to Agent R. G. Raasch's tariff I. C. C. No. 766, pursuant to fourth-section order No. 16101.

Commodities involved: Sewer pipe and related articles, carloads.

From: Points in Illinois and St. Louis, Mo.

To: Southern territory.

Grounds for relief: Competition with rail carriers, circuitous routes, and operation through higher-rated territory.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission.

[SEAL] GEORGE W. LAIRD,
Acting Secretary.

[F. R. Doc. 52-13589; Filed, Dec. 24, 1952;
8:48 a. m.]

[4th Sec. Application 27648]

COAL FROM ILLINOIS, INDIANA AND KENTUCKY TO SHERBURN AND FAIRMONT, MINN.

APPLICATION FOR RELIEF

DECEMBER 22, 1952.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: R. G. Raasch, Agent, for carriers parties to schedules listed on attached sheet.

Commodities involved: Bituminous fine coal, carloads.

From: Illinois, Indiana, and western Kentucky.

To: Interstate Power Company Spur (Sherburn) and Fairmont, Minn.

Grounds for relief: Rail competition, circuitry, grouping, and competition with natural gas.

Schedules filed containing proposed rates:

	Tariff I. C. C. No.	Supp. No.
AT&SF Ry.	14708	4
B&O RR.	C&C 3040	10
C&E RR.	147	2
GM&O RR.	262	5
IC RR.	E-1869	17
Wabash RR.	7649	30

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission.

[SEAL] GEORGE W. LAIRD,
Acting Secretary.

[F. R. Doc. 52-13590; Filed, Dec. 24, 1952;
8:48 a. m.]

[4th Sec. Application 27649]

FOREIGN WOODS FROM GULF AND SOUTH ATLANTIC PORTS TO MOOREFIELD, W. VA.

APPLICATION FOR RELIEF

DECEMBER 22, 1952.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: R. E. Boyle, Jr., Agent, for carriers parties to schedule listed below.

Commodities involved: Lumber, logs or fitches of mahogany and Philippine woods and built-up woods and veneer of such woods, carloads.

From: Gulf and south Atlantic ports.
To: Moorefield, W. Va.

Grounds for relief: Competition with rail carriers, circuitous routes, and additional destinations.

Schedules filed containing proposed rates: C. A. Spaninger, Agent, I. C. C. No. 1214, Supp. 58.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission.

[SEAL] GEORGE W. LAIRD,
Acting Secretary.

[F. R. Doc. 52-13591; Filed, Dec. 24, 1952;
8:48 a. m.]

[4th Sec. Application 27650]

COMMODITY RATES BETWEEN CHILES, KY., AND POINTS IN THE UNITED STATES AND CANADA

APPLICATION FOR RELIEF

DECEMBER 22, 1952.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: R. E. Boyle, Jr., Agent, for the Illinois Central Railroad Company, Paducah and Illinois Railroad Company and carriers parties to Uniform Classification No. 1, A. H. Carson's I. C. C. A-1.

Commodities involved: All commodities taking commodity rates.

Territory: Between Chiles, Ky., on the one hand, and points in the United States and Canada, on the other.

Grounds for relief: Rail competition, circuitry, grouping, new station, and to apply rates constructed on the basis of the short line distance formula.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

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By the Commission.

[SEAL]

GEORGE W. LAIRD,
Acting Secretary.

[F. R. Doc. 52-13592; Filed, Dec. 24, 1952;
8:49 a. m.]

[4th Sec. Application 27651]

ACETONE FROM HOLSTON AND KINGSFORD,
TENN., TO HOUSTON, TEX.

APPLICATION FOR RELIEF

DECEMBER 22, 1952.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: F. C. Kratzmeir, Agent, for carriers parties to schedule listed below. Commodities involved: Acetone, in iron or steel barrels, in carloads, also in tank-car loads.

From: Holston and Kingsford, Tenn.
To: Houston, Tex.

Grounds for relief: Rail and motor competition and circuitry.

Schedules filed containing proposed rates: F. C. Kratzmeir, Agent, I. C. C. No. 3899, Supp. 117.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission.

[SEAL]

GEORGE W. LAIRD,
Acting Secretary.

[F. R. Doc. 52-13593; Filed, Dec. 24, 1952;
8:49 a. m.]

DEPARTMENT OF JUSTICE

Office of Alien Property

[Vesting Order 19096]

HENRY R. GENTSCH

In re: Trust u/w of Henry R. Gentsch, deceased. File No. D-28-9721; E. T. sec. 13627.

Under the authority of the Trading With the Enemy Act, as amended (50 U. S. C. App. and Sup. 1-40); Public Law 181, 82d Congress, 65 Stat. 451; Executive Order 9193, as amended by Executive Order 9567 (3 CFR, 1943 Cum. Supp.; 3 CFR, 1945 Supp.); Executive Order 9788 (3 CFR, 1946 Supp.) and Executive Order 9889 (3 CFR, 1948 Supp.), and pursuant to law, after investigation, it is hereby found:

1. That Oskar Martin, Richard Martin, Klara Martin, Hans Dietzsch, Karl Dietzsch, Dora Fritzsche and Lotte Urban, whose last known address is Germany, on or since December 11, 1941, and prior to January 1, 1947, were residents of Germany and are, and prior to January 1, 1947, were nationals of a designated enemy country (Germany);

2. That all right, title, interest and claim of any kind or character whatsoever of the persons named in subparagraph 1 hereof, and each of them, in and to the trust created under the will of Henry R. Gentsch, deceased, presently being administered by Frances Hartman, as trustee, acting under the judicial supervision of the Probate Court, Cook County, Illinois, is property which is, and prior to January 1, 1947, was payable or deliverable to, or claimed by, the aforesaid nationals of a designated enemy country (Germany);

and it is hereby determined:

3. That the national interest of the United States requires that the persons named in subparagraph 1 hereof be treated as persons who are and prior to January 1, 1947, were nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States, the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on December 19, 1952.

For the Attorney General.

[SEAL]

ROWLAND F. KIRKS,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 52-13600; Filed, Dec. 24, 1952;
8:51 a. m.]

[Vesting Order 19095]

PAULA OTTZENN

In re: Debts owing to Paula Ottzenn. F-28-30370-A-1; E-1.

Under the authority of the Trading With the Enemy Act, as amended (50 U. S. C. App. and Sup. 1-40); Public Law 181, 82d Congress, 65 Stat. 451; Executive Order 9193, as amended by Executive

Order 9567 (3 CFR, 1943 Cum. Supp.; 3 CFR, 1945 Supp.); Executive Order 9788 (3 CFR, 1946 Supp.) and Executive Order 9889 (3 CFR, 1948 Supp.), and pursuant to law, after investigation, it is hereby found:

1. That Paula Ottzenn, whose last known address is Batzenhofen bei Augsburg, Germany, on or since December 11, 1941, and prior to January 1, 1947, was a resident of Germany and is, and prior to January 1, 1947, was a national of a designated enemy country (Germany);

2. That the property described as follows:

a. That certain debt or other obligation of The National City Bank of New York, 55 Wall Street, New York, New York, arising out of a provisional deposit account, entitled Banque Nationale Suisse Sub Account Ottzenn, Zurich, Switzerland, maintained at the aforesaid bank, and any and all rights to demand, enforce and collect the same, and

b. Those certain debts or other obligations due or to become due to Paula Ottzenn, arising out of her interest in the usufruct covering property defined in the will of Clara Forrer, dated August 10, 1930, including particularly but not limited to income on seventy-five (75) shares of common stock of Radio Corporation of America, deposited with The National City Bank of New York, 55 Wall Street, New York, New York, in the name of Banque Nationale Suisse, Zurich, and any and all rights to demand, enforce and collect the same,

is property which is and prior to January 1, 1947, was within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, Paula Ottzenn, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That the national interest of the United States requires that the person identified in subparagraph 1 hereof, be treated as a person who is and prior to January 1, 1947, was a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on December 19, 1952.

For the Attorney General.

[SEAL]

ROWLAND F. KIRKS,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 52-13599; Filed, Dec. 24, 1952;
8:51 a. m.]